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A

HISTORY

OF THE

PENAL LAWS

AGAINST THE

IRISH CATHOLICS,

FROM

THE TREATY OF LIMERICK TO THE UNION.

By HENRY PARNELL, Esq. M. P.

" He felt it his duty to declare fully his sentiments on these points, be-
" cause he looked upon his Roman Catholic brethren as fellow subjects and
" fellow Christians, believers in the same God, and partners in the same
" Redemption. Speculative differences in some points of faith from him,
" were of no account, they and he had but one religion—the religion of
" Christianity. Therefore, as children of the same father, as travellers in
" the same road, and seekers of the same salvation, why not love each other
" as brothers? It was no part of Protestantism to persecute Catholics, and
" without justice to the Catholics there could be no security for the Protes-
" tant Establishment."——*Vide Speech of Dr. Law, Bishop of Elphin, on the Catholic Bill of* 1793.

" If any one should contend that this is not the time for Government to
" make concessions to Ireland, I wish him to consider, whether there is any
" time in which it is improper for either individuals or nations to do justice,
" any season improper for extinguishing animosity, any occasion more suit-
" able than the present, for putting an end to heart-burnings, and internal
" discontent."——*Vide Speech intended to be spoken by Dr. Watson, Bishop of Llandaff, November* 23, 1803.

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A

HISTORY

OF THE

PENAL LAWS,

&c. &c.

WILLIAM III.

WHEN James abdicated the Throne of England, he retired to France, to ſolicit the aid of Louis XIV. to enable him to ſecure the poſſeſſion of Ireland, where he was ſtill acknowledged as the lawful Sovereign. On the 12th of March, 1689, James landed at Kinſale with about 1200 of his own ſubjects in the pay of France, and 100 French officers. He was received with open arms, and the whole country ſeemed to be devoted to him, for although the Proteſtants in the North had declared for the new Government, their ſtrength and number were inconſiderable, when compared with the forces of the Lord Deputy Tyrconnel. This Miniſter had diſarmed all the other Proteſtants in one day, and aſſem-

bled an army of 30,000 foot and 8000 cavalry.* Addreſſes were poured in upon James from all orders of the people. The eſtabliſhed clergy among the reſt congratulated him upon his arrival, a certain ſign that his chance of ſucceſs was not contemptible.

James continued to govern Ireland, without any interruption from William, till the 13th of Auguſt,† when Schomberg landed at Belfaſt with an Engliſh army of 10,000 men. To oppoſe him, James collected his forces amounting to 30,000 at Drogheda.‡ Schomberg who had arrived at Dundalk thought it prudent to advance no farther; and inſtead of reducing Ireland, after having loſt one half of his army by ſickneſs, he at the end of the campaign was under the neceſſity of entrenching himſelf againſt an enemy, which he had been taught in England to deſpiſe, and of confining his operations to the protection of the Northern Province.§

On the 14th of June in the year following, William landed with reinforcements at Carrickfergus. His military genius as well as the diſtracted

* Smollet, 1. 36. † Leland, v. 3. b. 6. c. 6. ‡ Ib. § Ib.

tracted ſtate of England, and the formidable preparations of France, inclined him to a vigorous proſecution of the war in Ireland.* He advanced towards Dublin with an army of 36,000 men. James collected his forces amounting to 33,000 at Drogheda, and by an unaccountable infatuation reſiſted the advice of his General Officers to act on the defenſive againſt William; who would then have had to contend at the ſame time againſt a threatened foreign invaſion of Britain, the inſurrection which his own ſubjects were plotting, and the difficulty of maintaining his Iriſh army in an unfriendly climate without proviſions or ſuccours.

Though William obtained a decided victory at the Boyne, the Iriſh army had fought with courage and obſtinacy; and, in conſequence of having at one time repulſed the centre of the Engliſh army, were able to retire in good order, with the loſs of only 1500 men.† The ſubſequent defeat of General Douglas before Athlone, and of William himſelf before Limerick, left James at the end of the campaign in poſſeſſion

 of

* Leland, v. 3, b. 6. c. 6. † Ib.

of nearly one half of Ireland, and well ſupported by an army inured to war and commanded by able and experienced Generals. William experienced ſtill greater embarraſſments on the Continent and in England. A victory had been gained by Luxemburgh, in Flanders, over Prince Waldeck and the confederate army; Tourville had defeated the united fleets of England and Holland; and great dejection and diſcontent was viſible among all his Britiſh ſubjects.

William having returned to England in the autumn of 1690, General Ginckle, with an army inferior to that of St. Ruth, who now commanded the Iriſh forces, commenced the campaign by the capture of the fort of Baltimore. Having afterwards taken Athlone, and defeated St. Ruth at the battle of Aughrim, he laid ſiege to Limerick on the 25th of Auguſt, 1691. The fortifications had been ſtrengthened ſince William was repulſed before it in the preceding year; the garriſon was healthy, well ſupplied, and in numbers equal to the aſſailants, and ſtrong ſuccours were daily expected from France*. The beſiegers, on the other hand, were too few for the undertaking, the

* Leland, v. 3. b. 6. c. 6.

the ſeaſon of the year was far advanced, and they had no expectations of receiving any reinforcements.

Week paſſed away after week without Ginckle's obtaining any advantage over the beſieged; at length he made a lodgment on the oppoſite ſide of the Shannon. But, notwithſtanding this ſucceſs, it was debated whether the ſiege ſhould be carried on, or converted into a blockade; ſuch were the difficulties foreſeen in reducing the town. It was dangerous for the beſiegers to continue in their preſent ſtation on the approach of winter, and hazardous to divide an army ſufficient only for aſſailing the town on one ſide; and yet the only effectual way of reducing it was to inveſt it on all ſides, by cutting off the garriſon from all intercourſe with the county of Clare*.

William, in the mean time, was ſo ſenſible of the neceſſity of obtaining the ſurrender of the Iriſh army, in order to ſecure his newly acquired throne, and the ſucceſs of the revolution, that he ſent inſtructions to the Lords Juſtices to iſſue a proclamation, offering to the Catholics ſtill more liberal

* Leland, v. 3. b. 6. c. 6.

liberal terms than thoſe which they afterwards accepted; and he gave Ginckle urgent directions to terminate the war on any conditions*. Fortunately, however, for William and the revolution party, but moſt unfortunately, as events have ſince proved, for the Catholics, the garriſon of Limerick beat a parley on the 29th day of the ſiege. A ceſſation of three days was granted; and, on the laſt day of it, the Iriſh Generals propoſed terms of capitulation. They required an act of indemnity for all paſt offences, with a full enjoyment of the eſtates they poſſeſſed before the preſent revolution, freedom for the Catholic worſhip, with an eſtabliſhment of one Romiſh eccleſiaſtic in each pariſh. They alſo required, that Catholics ſhould be declared fully qualified for every office, civil and military; that they ſhould be admitted into all corporations; and, that the Iriſh army ſhould be kept up and paid in the ſame manner with the King's other troops, provided they were willing to ſerve†. Ginckle refuſed to accede to their propoſal;

* Leland, v. 3. b. 6. c. 6. and Harris's Life of William, p. 372.

This was called the ſecret proclamation, becauſe, though printed, it never was publiſhed, in conſequence of the Lords Juſtices being informed of the inclination of the garriſon to treat for their ſurrender.

† Leland, ibid.

poſal; but being deſired to offer ſuch terms as he could grant, he conſented to conditions which were accepted by the garriſon, and which are contained in the following civil and military articles.

Three days after they were ſigned the French fleet arrived in Dingle Bay.

THE CIVIL AND MILITARY ARTICLES OF LIMERICK,

Exactly printed from the Letters Patents, wherein they are ratified and exemplified by their Majeſties, under the Great Seal of England.

GULIELMUS & Maria Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ, rex et regina, fidei defenſores, &c. Omnibus ad quos præcentes literæ noſtræ perveneriat ſalutem: inſpeximus irrotulament. quarund. literarum patentium de confirmatione, geren. dat. apud Weſtmonaſterium vicemo quarto die Februarii, ultimi præteriti in cancellar. noſtr. irrotulat. ac ibidem de recordo remanem. in hæc verba. William and Mary, by the grace of God, &c. To all to whom theſe preſents ſhall come, greeting. Whereas certain articles, bearing date the third day of October laſt paſt, made and agreed on between our juſtices of our kingdom of Ireland, and our general of our forces there on the one part; and ſeveral officers there, commanding within the city of Limerick, in our ſaid kingdom, on the other part. Whereby our ſaid juſtices and general did undertake that we ſhould ratify thoſe articles, within the

the ſpace of eight months, or ſooner; and uſe their utmoſt endeavours that the ſame ſhould be ratified and confirmed in parliament. The tenor of which ſaid articles is as follows, viz.

ARTICLES AGREED UPON THE THIRD DAY OF OCTOBER, ONE THOUSAND SIX HUNDRED AND NINETY-ONE.

Between the Right Honourable Sir Charles Porter, Knight, and Thomas Coningſby, Eſq. Lords Juſtices of Ireland; and his Excellency the Baron De Ginckle, Lieutenant General, and Commander in Chief of the Engliſh Army; on the one Part.

And the Right Honourable Patrick Earl of Lucan, Piercy, Viſcount Gallmoy, Colonel Nicholas Purcel, Colonel Nicholas Duſack, Sir Tody Butler, Colonel Garret Dillon, and Colonel John Brown; on the other Part:

In the behalf of the Iriſh Inhabitants in the City and County of Limerick, the Counties of Clare, Kerry, Cork, Sligo, and Mayo.

In conſideration of the Surrender of the City of Limerick, and other Agreements made between the ſaid Lieutenant General Ginckle, the Governor of the City of Limerick, and the Generals of the Iriſh army, bearing date with theſe Preſents, for the Surrender of the City, and Submiſſion of the ſaid Army: it is agreed, That,

I. THE Roman Catholics of this kingdom ſhall enjoy ſuch privileges in the exerciſe of their religion, as are conſiſtent with the laws of Ireland; or as they did enjoy in the reign of King Charles the Second: and their

their Majeſties, as ſoon as their affairs will permit them to ſummon a Parliament in this kingdom, will endeavour to procure the ſaid Roman Catholics ſuch farther ſecurity in that particular, *as may preſerve them from any diſturbance upon the account of their ſaid religion.*

II. All the inhabitants or reſidents of Limerick, or any other garriſon now in the poſſeſſion of the Iriſh, and all officers and ſoldiers, now in arms, under any commiſſion of King James, or thoſe authoriſed by him, to grant the ſame in the ſeveral counties of Limerick, Clare, Kerry, Cork, and Mayo, or any of them; and all the commiſſioned officers in their Majeſties quarters, that belong to the Iriſh regiments, now in being, that are treated with, and who are not priſoners of war, or have taken protection, and who ſhall return and ſubmit to their Majeſties obedience; and their and every of their heirs, ſhall hold, poſſeſs, and enjoy, all and every their eſtates of freehold and inheritance; and all the rights, titles and intereſt, privileges and immunities, which they, and every or any of them held, enjoyed, or were rightfully and lawfully intitled to in the reign of King Charles II. or at any time ſince, by the laws and ſtatutes that were in force in the ſaid reign of King Charles II. and ſhall be put in poſſeſſion, by order of the government, of ſuch of them as are in the King's hands, or the hands of his tenants, without being put to any ſuit or trouble therein; and all ſuch eſtates ſhall be freed and diſcharged from all arrears of crown-rents, quit-rents, and other public charges, incurred and become due ſince Michaelmas 1688, to the day of the date hereof: and all perſons comprehended in this article, ſhall have, hold, and enjoy all their goods and chattles, real and

perſonal, to them, or any of them belonging, and remaining either in their own hands, or in the hands of any perſons whatſoever, in truſt for, or for the uſe of them, or any of them: and all, and every the ſaid perſons, of what profeſſion, trade, or calling ſoever they be, ſhall and may uſe, exerciſe, and practiſe their ſeveral and reſpective profeſſions, trades and callings, as freely as they did uſe, exerciſe, and enjoy the ſame in the reign of King Charles II. provided that nothing in this article contained be conſtrued to extend to, or reſtore any forfeiting perſon now out of the kingdom, except what are hereafter comprifed; provided alſo, that no perſon whatſoever ſhall have or enjoy the benefit of this article, that ſhall neglect or refuſe to take the oath of allegiance,* made by act of Parliament in England, in the firſt year of the reign of their preſent Majeſties, when thereunto required.

III. All merchants, or reputed merchants of the city of Limerick, or of any other garriſon now poſſeſſed by the Iriſh, or of any town or place in the counties of Clare or Kerry, who are abſent beyond the ſeas, that have not bore arms ſince their Majeſties declaration in February 1688, ſhall have the benefit of the ſecond article, in the ſame manner as if they were preſent; provided ſuch merchants, and reputed merchants, do repair into this kingdom within the ſpace of eight months from the date hereof.

IV. The following officers, viz. Colonel Simon Lutterel, Captain Rowland White, Maurice Euſtace of Yermanſtown,

* I *A. B.* do ſincerely promiſe and ſwear, that I will be faithful, and bear true Allegiance to their Majeſties King William and Queen Mary. So help me God.

Yermanſtown, Chieveas of Mayſtown, commonly called Mount-Leinſter, now belonging to the regiments in the aforeſaid garriſons and quarters of the Iriſh army, who were beyond the ſeas, and ſent thither upon affairs of their reſpective regiments, or the army in general, ſhall have the benefit and advantage of the ſecond article, provided they return hither within the ſpace of eight months from the date of theſe preſents, and ſubmit to their Majeſties Government, and take the above-mentioned oath.

V. That all and ſingular the ſaid perſons compriſed in the ſecond and third articles, ſhall have a general pardon of all attainders, outlawries, treaſons, miſpriſions of treaſon, premunires, felonies, treſpaſſes, and other crimes and miſdemeanours whatſoever, by them, or any of them, committed ſince the beginning of the reign of King James II. and if any of them are attainted by Parliament, the Lords Juſtices, and General, will uſe their beſt endeavours to get the ſame repealed by Parliament, and the outlawries to be reverſed gratis, all but writing-clerks fees.

VI. And whereas theſe preſent wars have drawn on great violences on both parts; and that if leave were given to the bringing all ſorts of private actions, the animoſities would probably continue that have been too long on foot, and the public diſturbances laſt: for the quieting and ſettling therefore of this kingdom, and avoiding thoſe inconveniencies which would be the neceſſary conſequence of the contrary, no perſon or perſons whatſoever, compriſed in the foregoing articles, ſhall be ſued, moleſted, or impleaded at the ſuit of any party or parties whatſoever, for any treſpaſſes by the n

committed, or for any arms, horſes, money, goods, chattles, merchandizes, or proviſions whatſoever, by them ſeized or taken during the time of the war. And no perſon or perſons whatſoever, in the ſecond or third articles compriſed, ſhall be ſued, impleaded, or made accountable for the rents or mean rates of any lands, tenements, or houſes, by him or them received, or enjoyed in this kingdom, ſince the beginning of the preſent war, to the day of the date hereof, nor for any waſte or treſpaſs by him or them committed in any ſuch lands, tenements, or houſes: and it is alſo agreed, that this article ſhall be mutual and reciprocal on both ſides.

VII. Every nobleman and gentleman compriſed in the ſaid ſecond and third articles, ſhall have liberty to ride with a ſword, and caſe of piſtols, if they think fit; and keep a gun in their houſes, for the defence of the ſame, or for fowling.

VIII. The inhabitants and reſidents in the city of Limerick, and other garriſons, ſhall be permitted to remove their goods, chattles and proviſions, out of the ſame, without being viewed and ſearched, or paying any manner of duties, and ſhall not be compelled to leave the houſes or lodgings they now have, for the ſpace of ſix weeks next enſuing the date hereof.

IX. The oath to be adminiſtered to ſuch Roman Catholics as ſubmit to their Majeſties Government, ſhall be the oath aboveſaid, and no other.

X. No perſon or perſons who ſhall at any time hereafter break theſe articles, or any of them, ſhall thereby

thereby make, or cauſe any other perſon or perſons to forfeit or loſe the benefit of the ſame.

XI. The Lords Juſtices and General do promiſe to uſe their utmoſt endeavours, that all the perſons comprehended in the above-mentioned articles, ſhall be protected and defended from all arreſts and executions for debt or damage, for the ſpace of eight months next enſuing the date hereof.

XII. Laſtly, the Lords Juſtices and General do undertake, that their Majeſties will ratify theſe articles within the ſpace of eight months, or ſooner, and uſe their utmoſt endeavours that the ſame ſhall be ratified and confirmed in Parliament.

XIII. And whereas Colonel John Brown ſtood indebted to ſeveral Proteſtants, by judgments of record, which appearing to the late Government, the Lord Tyrconnel, and Lord Lucan, took away the effects the ſaid John Brown had to anſwer the ſaid debts, and promiſed to clear the ſaid John Brown of the ſaid debts; which effects were taken for the public uſe of the Iriſh, and their army: for freeing the ſaid Lord Lucan of his ſaid engagement, paſt on their public account, for payment of the ſaid Proteſtants, and for preventing the ruin of the ſaid John Brown, and for ſatisfaction of his creditors, at the inſtance of the Lord Lucan, and the reſt of the perſons aforeſaid, it is agreed, that the ſaids Lords Juſtices, and the ſaid Baron De Ginckle, ſhall intercede with the King and Parliament, to have the eſtates ſecured to Roman Catholics, by articles and capitulation in this kingdom, charged with, and equally liable to the payment of ſo much of the

ſaid

ſaid debts, as the ſaid Lord Lucan, upon ſtating accounts with the ſaid John Brown, ſhall certify under his hand, that the effects taken from the ſaid Brown amount unto; which accompt is to be ſtated, and the balance certified by the ſaid Lord Lucan in one and twenty days after the date hereof:

For the true performance hereof, we have hereunto ſet our hands,

Present,
SCRAVENMORE.
H. MACCAY.
T. TALMASH.

CHAR. PORTER.
THOS. CONINGSBY.
Bar. De GINCKLE.

AND whereas the ſaid city of Limerick hath been ſince, in purſuance of the ſaid articles, ſurrendered unto us. Now know ye, that we having conſidered of the ſaid articles, are graciouſly pleaſed hereby to declare, *that we do for us, our heirs, and ſucceſſors, as far as in us lies, ratify and confirm the ſame, and every clauſe, matter, and thing therein contained.*— And as to ſuch parts thereof, for which an act of Parliament ſhall be found to be neceſſary, we ſhall recommend the ſame to be made good by Parliament, and ſhall give our royal aſſent to any bill or bills that ſhall be paſſed by our two houſes of Parliament to that purpoſe. And whereas it appears unto us, that it was agreed between the parties to the ſaid articles, that after the words, Limerick, Clare, Kerry, Cork, Mayo, or any of them, in the ſecond of the ſaid articles, the words following, viz. "And all ſuch as are "under their protection in the ſaid counties," ſhould be inſerted, and be part of the ſaid articles.

Which

Which words having been caſually omitted by the writer, the omiſſion was not diſcovered till after the ſaid articles were ſigned, but was taken notice of before the ſecond town was ſurrendered: and that our ſaid juſtices and general, or one of them, did promiſe that the ſaid clauſe ſhould be made good, it being within the intention of the capitulation, and inſerted in the foul draft thereof. Our further will and pleaſure is, and we do hereby ratify and confirm the ſaid omitted words, viz. "And all ſuch as are under their protection in the ſaid counties," hereby for us, our heirs and ſucceſſors, ordaining and declaring, that all and every perſon and perſons therein concerned, ſhall and may have, receive, and enjoy the benefit thereof, in ſuch and the ſame manner, as if the ſaid words had been inſerted in their proper place, in the ſaid ſecond article; any omiſſion, defect, or miſtake in the ſaid ſecond article, in any wiſe notwithſtanding. Provided always, and our will and pleaſure is, that theſe our letters patents ſhall be enrolled in our court of Chancery, in our ſaid Kingdom of Ireland, within the ſpace of one year next enſuing. In witneſs, &c. witneſs ourſelf at Weſtminſter, the twenty-fourth day of February, anno regni regis & reginæ Gulielmi & Mariæ quarto per breve de privato ſigillo. Nos autem tenorem premiſſor. predict. Ad requiſitionem attornat. general. domini regis & dominæ reginæ pro regno Hiberniæ. Duximus exemplificand. per preſentes. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſtibus nobis ipſis apud Weſtmon. quinto die Aprilis, annoq. regni eorum quarto.

BRIDGES.

Examinat. per nos { S. KECK. LACON WM. CHILDE. } In Cancel. Magiſtros

MILITARY ARTICLES agreed upon between the Baron de Ginckle, Lieutenant-General and Commander in Chief of the Engliſh army, on the one ſide,

And the Lieutenant-Generals De Uſſoon and De Teſſe, Commanders in Chief of the Iriſh army, on the other; and the General Officers hereunto ſubſcribing.

I. THAT all perſons, without any exceptions, of what quality or condition ſoever, that are willing to leave the kingdom of Ireland, ſhall have free liberty to go to any country beyond the ſeas (England and Scotland excepted) where they think fit, with their families, houſehold-ſtuff, plate, and jewels.

II. That all general officers, colonels, and generally all other officers of horſe, dragoons, and foot-guards, troopers, dragooners, ſoldiers of all kinds that are in any garriſon, place, or poſt, now in the hands of the Iriſh, or encamped in the counties of Cork, Clare, and Kerry, as alſo thoſe called Rapparees, or volunteers, that are willing to go beyond ſeas as aforeſaid, ſhall have free leave to embark themſelves wherever the ſhips are that are appointed to tranſport them, and to come in whole bodies as they are now compoſed, or in parties, companies, or otherwiſe, without having any impediment, directly or indirectly.

III. That all perſons above-mentioned, that are willing to leave Ireland and go into France, ſhall have leave to declare it at the times and places hereafter mentioned, viz. the troops in Limerick, on Tueſday next in Limerick; the horſe at their camp on Wedneſday,

day, and the other forces that are diſperſed in the counties of Clare, Kerry, and Cork, on the 8th inſtant, and on none other, before Monſieur Tameron, the French intendant, and Colonel Withers; and after ſuch delaration is made, the troops that will go into France muſt remain under the command and diſcipline of their officers that are to conduct them thither; and deſerters of each ſide ſhall be given up, and puniſhed accordingly.

IV. That all Engliſh and Scotch officers that ſerve now in Ireland, ſhall be included in this capitulation, as well for the ſecurity of their eſtates and goods in England, Scotland, and Ireland, (if they are willing to remain here), as for paſſing freely into France, or any other country to ſerve.

V. That all the general French officers, the intendant, the engineers, the commiſſaries at war, and of the artillery, the treaſurer, and other French officers, ſtrangers, and all others whatſoever, that are in Sligo, Roſs, Clare, or in the army, or that do trade or commerce, or are otherways employed in any kind of ſtation or condition, ſhall have free leave to paſs into France, or any other country, and ſhall have leave to ſhip themſelves, with all their horſes, equipage, plate, papers, and all their effects whatever; and that General Ginckle will order paſſports for them, convoys, and carriages, by land and water, to carry them ſafe from Limerick to the ſhips where they ſhall be embarked, without paying any thing for the ſaid carriages, or to thoſe that are employed therein, with their horſes, cars, boats, and ſhallops.

VI. That if any of the aforeſaid equipages, merchandize, horſes, money, plate, or other moveables, or houſehold-ſtuff belonging to the ſaid Iriſh troops, or to the French officers, or other particular perſons whatſoever, be robbed, deſtroyed, or taken away by the troops of the ſaid General, the ſaid General will order it to be reſtored, or payment to be made according to the value that is given in upon oath by the perſon ſo robbed or plundered: and the ſaid Iriſh troops to be tranſported as aforeſaid: and all other perſons belonging to them, are to obſerve good order in their march and quarters, and ſhall reſtore whatever they ſhall take from the country, or make reſtitution for the ſame.

VII. That to facilitate the tranſporting the ſaid troops, the General will furniſh fifty ſhips, each ſhip's burthen two hundred tons; for which, the perſons to be tranſported ſhall not be obliged to pay, and twenty more, if there ſhall be occaſion, without their paying for them; and if any of the ſaid ſhips ſhall be of leſſer burthen, he will furniſh more in number to countervail; and alſo give two men of war to embark the principal officers, and ſerve for a convoy to the veſſels of burthen.

VIII. That a commiſſary ſhall be immediately ſent to Cork to viſit the tranſport ſhips, and what condition they are in for ſailing: and that as ſoon as they are ready, the troops to be tranſported ſhall march with all convenient ſpeed, the neareſt way, in order to embark there; and if there ſhall be any more men to be tranſported than can be carried off in the ſaid fifty ſhips, the reſt ſhall quit the Engliſh town of Limerick, and march

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to ſuch quarters as ſhall be appointed for them, convenient for their tranſportation, where they ſhall remain till the other twenty ſhips be ready, which are to be in a month; and may embark on any French ſhip that may come in the mean time.

IX. That the ſaid ſhips ſhall be furniſhed with forage for horſe, and all neceſſary proviſions to ſubſiſt the officers, troops, dragoons, and ſoldiers, and all other perſons that are ſhipped to be tranſported into France; which proviſions ſhall be paid for as ſoon as all are diſembarked at Breſt or Nantz, upon the coaſt of Brittany, or any other port of France they can make.

X. And to ſecure the return of the ſaid ſhips (the danger of the ſeas excepted) and payment for the ſaid proviſions, ſufficient hoſtages ſhall be given.

XI. That the garriſons of Clare-caſtle, Roſs, and all other foot that are in garriſons in the counties of Clare, Cork, and Kerry, ſhall have the advantage of this preſent capitulation; and ſuch part of thoſe garriſons as deſign to go beyond ſeas, ſhall march out with their arms, baggage, drums beating, ball in mouth, match lighted at both ends, and colours flying, with all the proviſions, and half the ammunition that is in the ſaid garriſons, and join the horſe that march to be tranſported; or if then there is not ſhipping enough for the body of foot that is to be next tranſported after the horſe, General Ginckle will order that they be furniſhed with carriages for that purpoſe, and what proviſions they ſhall want in their march, they paying for the ſaid proviſions, or elſe that they may take it out of their own magazines.

XII. That all the troops of horſe and dragoons, that are in the counties of Cork, Kerry, and Clare, ſhall alſo have the benefit of this capitulation; and that ſuch as will paſs into France, ſhall have quarters given them in the counties of Clare and Kerry, apart from the troops that are commanded by General Ginckle, until they can be ſhipped; and within their quarters they ſhall pay for every thing, except forage and paſture for their horſes, which ſhall be furniſhed gratis.

XIII. Thoſe of the garriſon of Sligo that are joined to the Iriſh army, ſhall have the benefit of this capitulation; and orders ſhall be ſent to them that are to convey them up, to bring them hither to Limerick the ſhorteſt way

XIV. The Iriſh may have liberty to tranſport nine hundred horſe, including horſes for the officers, which ſhall be tranſported gratis: and as for the troopers that ſtay behind, they ſhall diſpoſe of themſelves as they ſhall think fit, giving up their horſes and arms to ſuch perſons as the General ſhall appoint.

XV. It ſhall be permitted to thoſe that are appointed to take care for the ſubſiſtence of the horſe, that are willing to go into France, to buy hay and corn at the King's rates wherever they can find it, in the quarters that are aſſigned for them, without any let or moleſtation, and to carry all neceſſary proviſions out of the city of Limerick; and for this purpoſe, the General will furniſh convenient carriages for them to the places where they ſhall be embarked.

XVI. It ſhall be lawful to make uſe of the hay preſerved in the ſtores of the county of Kerry, for the horſes that ſhall be embarked; and if there be not enough, it ſhall be lawful to buy hay and oats wherever it ſhall be found, at the King's rates.

XVII. That all priſoners of war, that were in Ireland the 28th of September, ſhall be ſet at liberty on both ſides; and the General promiſes to uſe his endeavours, that thoſe that are in England and Flanders ſhall be ſet at liberty alſo.

XVIII. The General will cauſe proviſions and medicines to be furniſhed to the ſick and wounded officers, troopers, dragoons, and ſoldiers of the Iriſh army, that cannot paſs into France at the firſt embarkment; and after they are cured, will order them ſhips to paſs into France, if they are willing to go.

XIX. That at the ſigning hereof, the General will ſend a ſhip expreſs to France; and that beſides, he will furniſh two ſmall ſhips of thoſe that are now in the river of Limerick, to tranſport two perſons into France that are to be ſent to give notice of this treaty; and that the commanders of the ſaid ſhips ſhall have orders to put aſhore at the next port of France where they ſhall make.

XX. That all thoſe of the ſaid troops, officers, and others, of what character ſoever, that would paſs into France, ſhall not be ſtopped upon the account of debt, or any other pretext.

XXI. If,

XXI. If, after ſigning this preſent treaty, and before the arrival of the fleet, a French packet-boat, or other tranſport-ſhip, ſhall arrive from France in any other part of Ireland, the General will order a paſſport, not only for ſuch as muſt go on board the ſaid ſhips, but to the ſhips to come to the neareſt port to the place where the troops to be tranſported ſhall be quartered.

XXII. That after the arrival of the ſaid fleet, there ſhall be free communication and paſſage between it and the quarters of the above-ſaid troops; and eſpecially, for all thoſe that have paſſes from the chief Commanders of the ſaid fleet, or from Monſ. Tameron the intendant.

XXIII. In conſideration of the preſent capitulation, the two towns of Limerick ſhall be delivered and put into the hands of the General, or any other perſon he ſhall appoint, at the time and days hereafter ſpecified, viz. the Iriſh town, except the magazines and hoſpital, on the day of the ſigning of theſe preſent articles; and as for the Engliſh town, it ſhall remain, together with the iſland, and the free paſſage of Thomond-bridge, in the hands of thoſe of the Iriſh army that are now in the garriſon, or that ſhall hereafter come from the counties of Cork, Clare, Kerry, Sligo, and other places above-mentioned, until there ſhall be convenience found for their tranſportation.

XXIV. And to prevent all diſorders that may happen between the garriſon that the General ſhall place in the Iriſh town, which ſhall be delivered to him, and the Iriſh troopers that ſhall remain in the Engliſh town

and

and the iſland, which they may do, until the troops to be embarked on the firſt fifty ſhips ſhall be gone for France, and no longer; they ſhall entrench themſelves on both ſides, to hinder the communication of the ſaid garriſons; and it ſhall be prohibited on both ſides, to offer any thing that is offenſive; and the parties offending ſhall be puniſhed on either ſide.

XXV. That it ſhall be lawful for the ſaid garriſon to march out all at once, or at different times, as they can be embarked, *with arms, baggage, drums beating, match lighted at both ends, bullet in mouth, colours flying, ſix braſs guns, ſuch as the beſieged will chuſe, two mortar-pieces, and half the ammunition that is now in the magazines of the ſaid place*; and for this purpoſe an inventory of all the ammunition in the garriſon ſhall be made in the preſence of any perſon that the General ſhall appoint, the next day after theſe preſent articles ſhall be ſigned.

XXVI. All the magazines of proviſions ſhall remain in the hands of thoſe that are now employed to take care of the ſame, for the ſubſiſtence of thoſe of the Iriſh army that will paſs into France: and if there ſhall not be ſufficient in the ſtores, for the ſupport of the ſaid troops, whilſt they ſtay in this kingdom, and are croſſing the ſeas, that upon giving up an account of their numbers, the General will furniſh them with ſufficient proviſions at the King's rates; and that there ſhall be a free market at Limerick, and other quarters, where the ſaid troops ſhall be; and in caſe any proviſion ſhall remain in the magazines of Limerick when the town ſhall be given up, it ſhall be valued, and the price deducted

ducted out of what is to be paid for the proviſions to be furniſhed to the troops on ſhip-board.

XXVII. That there ſhall be a ceſſation of arms at land, as alſo at ſea, with reſpect to the ſhips, whether Engliſh, Dutch, or French, deſigned for the tranſportation of the ſaid troops, until they ſhall be returned to their reſpective harbours; and that, on both ſides, they ſhall be furniſhed with ſufficient paſſports both for ſhips and men; and if any ſea-commander, or captain of a ſhip, or any officer, trooper, dragoon, ſoldier, or any other perſon, ſhall act contrary to this ceſſation, the perſons ſo acting ſhall be puniſhed on either ſide, and ſatisfaction ſhall be made for the wrong that is done; and officers ſhall be ſent to the mouth of the river of Limerick, to give notice to the commanders of the Engliſh and French fleets of the preſent conjuncture, that they may obſerve the ceſſation of arms accordingly.

XXVIII. That for the ſecurity of the execution of this preſent capitulation, and of each article therein contained, the beſieged ſhall give the following hoſtages —— and the General ſhall give ———.

XXIX. If before this capitulation is fully executed, there happens any change in the government, or command of the army, which is now commanded by General Ginckle; all thoſe that ſhall be appointed to command the ſame, ſhall be obliged to obſerve and execute what is ſpecified in theſe articles, or cauſe it to be executed punctually, and ſhall not act contrary on any account.

Oct. 19. BARON DE GINCKLE.

If this treaty is only conſidered according to thoſe rules of common morality, which influence the conduct of man to man; if, in proportion to the great advantages which England derived from it, ſhe was bound to conſtrue it with liberality, as well as to execute it with good faith; then the Iriſh Catholics muſt be conſidered as placed by it in a ſituation of complete equality with their Proteſtant countrymen. The free exerciſe of their religion was granted in the moſt unqualified manner: Security of property was as fully confirmed to them. In regard to perſonal ſecurity, they were pardoned all miſdemeanours whatſoever of which they had been guilty, and were reſtored to all the rights, liberties, privileges, and immunities, which, by the laws of the land, and cuſtoms, conſtitutions, and native birthright, they, any, and every of them, were equally with every other of their fellow-ſubjects entitled to.* The practice of the ſeveral trades or profeſſions was ſecured to them. They were allowed the uſe of arms, ſome of them ſpecially, but all of them in conſequence of no limitation or exception to the contrary; and they were left at liberty to vote for members of Par-

* Sir Theobald Butler's ſpeech, vide Appendix, No. I.

liament, and to ſit in Parliament.* The laws, even, which were in force againſt the Catholics when the treaty took place, ought, according to the firſt article, to have been repealed;† becauſe their

* The articles of Limerick were ſigned by De Ginckle on the 3d of October, 1691. The Engliſh Parliament that paſſed the act of 3d William and Mary, c. 2. by which Iriſh peers and members of Parliament were firſt required to take the oath of ſupremacy, met on the 22d October, 1691. According to the conſtitution of Ireland, as granted by Henry 2d, and confirmed in 1782, this act of 3d William and Mary, c. 2. was not binding in Ireland; and, though the Catholics ſubmitted to it, they were not legally excluded from Parliament till the 22d year of his preſent Majeſty's reign.

† Theſe laws were, 1ſt. An act againſt the authority of the See of Rome. It enacts, that no perſon ſhall attribute any juriſdiction to the See of Rome; that the perſon offending to be ſubject to a premunire; and, that all who have any office from the King, every perſon entering into orders, or taking a degree in the Univerſity, ſhall take the oath of ſupremacy.

2d. An act reſtoring to the Crown the antient juriſdiction over the State, eccleſiaſtical and ſpiritual. It likewiſe enacts that every eccleſiaſtical perſon, every perſon accepting office, ſhall take the oath of ſupremacy.

3d. An act for the uniformity of common prayer. It enacts, that every perſon, having no lawful excuſe to be abſent, ſhall, every Sunday, reſort to ſome place of worſhip of the eſtabliſhed Church, or forfeit 12d.

4th. An act, by which the Chancellor may appoint a guardian to the child of a Catholic.

5th.

their Majeſties engaged, by this article, to obtain for the Catholics ſuch further ſecurity, in reſpect to the exerciſe of their religion, *as might preſerve them from any diſturbance on account of that religion.* It is impoſſible for any other fair conſtruction to be given of this article, than that which is here given. It would be beneath the dignity, and wholly inconſiſtent with that character for good faith, of which it has always been the pride of England to boaſt, to attempt to apply any other meaning to it. No doubt there are thoſe who would wiſh to act, on all occaſions, towards the Catholics, according to that ſyſtem of perverted morality which the powerful always impoſe on the weak; but, ſo long as the true principles of juſtice ſhall have their due influence, the majority of mankind can never conſider this firſt article of the treaty of Limerick in any other light, than as a

 complete

5th, An act, by which no Catholic ſchoolmaſter can teach in a private houſe without a licenſe from the ordinary of his dioceſe, and taking the oath of ſupremacy.

6th, The new rules, by which no perſon can be admitted into any corporation without taking the oath of ſupremacy.

This ſtatement is taken from the Report of the Committee of the Houſe of Commons, appointed, in 1697, to conſider what penal laws were then in force againſt the Catholics.—*Com. Jour.* v. 2.

complete and perpetual exemption of the Iriſh Catholics from all political and religious diſqualification on account of their religion. This treaty has been very accurately deſcribed as the great charter of the civil and religious liberty of the Catholics;* and though not hitherto obſerved as ſuch by the Engliſh Government, the Catholics have a right (which time cannot efface nor perfidy deſtroy) to recur to its ſtipulations; and if an Engliſh Government *can* act with juſtice towards them, their appeal will not for ever be made in vain.

Though William had bound himſelf by this treaty to call a Parliament as ſoon as his affairs would admit, and to obtain from it the ratification of the treaty, he diſſolved the firſt Parliament of his reign, which had met on the 5th October, 1692, in September, 1693, without propoſing to them any ſuch meaſure. He was further guilty of a want of attention to his engagement, by not ſummoning another Parliament till the 27th April, 1695; and, when this Parliament did meet, he ſeems to have entirely forgotten, that his own faith,

* Smollet.

faith, and the faith of the Engliſh nation, was plighted to the Catholics by a ſolemn treaty; for, inſtead of recommending to them, in the ſpeech of his Lord Deputy, to proceed to confirm the articles of Limerick, he told them that he was intent upon the great work of a firm ſettlement of Ireland upon a *Proteſtant* intereſt.* The Parliament were not backward in promoting his object. They firſt of all paſſed an act to deprive the Catholics of the means of educating their children either at home or abroad, and of the privilege of being guardians either of their own or of any other perſon's children.† Then they paſſed an act to diſarm the Catholics,‡ another to baniſh their prieſts,

* Comm. Journal, 2. 279.

† 7th W. III. c. 4. of this act, Mr. Burke ſays, "Whilſt this reſtraint upon foreign and domeſtic education was part of a horrible and impious ſyſtem of ſervitude, the members were well fitted to the body. To render men patient, under a deprivation of all the rights of human nature, every thing which could give them a knowledge or feeling of thoſe rights was rationally forbidden. To render humanity fit to be inſulted, it was fit that it ſhould be degraded. Indeed, I have ever thought the prohibition of the means of improving our rational nature, to be the worſt ſpecies of tyranny that the inſolence and perverſeneſs of mankind ever dared to exerciſe." —*Letter to a Peer in Ireland.*

‡ 7th W. III. c. 5.

prieſts,* and, ſtrange as it may appear, they then thought proper in the year 1697 to paſs an act to *confirm* the articles of Limerick.†

Of this act it is to be obſerved, in the firſt place, that the very title of it is a proof of its injuſtice; for it is ſtyled "an act for the confirmation *of articles*," and not, as it ought to be, "of *the* articles" made at the ſurrender of Limerick."

The preamble affords further evidence of the intention of the framers of it to evade its proper object. It runs "That the ſaid articles, or *ſo much of them* as may conſiſt with the ſafety and welfare of your Majeſty's ſubjects of this kingdom, may be confirmed," &c.

But the whole act goes to convict the Parliament, (and as this Parliament was completely under the controul of the Lord Deputy,)‡ even William

* 9th William III. c. 1.

† 9th William III. c. 2.

‡ "He (Lord Capel, the Lord Deputy) undertook to model a Parliament in ſuch a manner, that they ſhould comply with all the demands of the Miniſtry, and he ſucceeded in his endeavours, by making ſuch arbitrary changes in offices as beſt ſuited his purpoſe.—*Smollet Hiſt.* 232.

"He

William himſelf, of groſs injuſtice towards the Catholics. For the firſt article of the treaty is wholly omitted, which guarantees to the Catholics the free exerciſe of their religion, and an exemption from all diſturbance on account of it; and each clauſe of the act has the effect of limiting the terms of the other articles, and depriving the Catholics of the benefit of them, inſtead of ratifying and confirming them.

The firſt clauſe, which refers at once to the ſecond article, explains who are entitled to the benefit of it, and the rights conferred upon them; aſſuming as a fact, for which there could be no foundation, that this article required explanation. With reſpect to the perſons entitled to the benefit of the treaty, a moſt remarkable difference occurs between the words of the ſecond article, and thoſe of this clauſe in deſcribing *them*. In the ratification of the treaty by William, there is the following paſſage: "And whereas it appears to us, that it was agreed between the parties to the ſaid articles,

"He carried the projects of the Crown in Parliament, and was recommended as an excellent governor, in a ſpecial addreſs ſent by the Commons to the King."—*Macpherſon's Hiſt.* 2. 94.

articles, that after the words Limerick, Clare, Kerry, Cork, and Mayo, or any of them, in the ſecond of the ſaid articles, the words following, viz. "And all ſuch as are under their protection in the ſaid counties," ſhould be inſerted and be part of the ſaid article; "Our further will and pleaſure is, and we do ratify and confirm the ſaid omitted words." Theſe words, according even to the ſtrict letter of the article, extended the benefit of the treaty to the whole Catholic population of theſe counties, which certainly was the object of the treaty, as it may be collected from the preamble to it, in which it is ſtated that the Iriſh generals acted in behalf of the Iriſh inhabitants of theſe counties. But in this clauſe of the act of Parliament to *confirm* the treaty, theſe words are omitted, and therefore the benefit of the treaty is limited, by this explanatory and confining act, to the Iriſh army and the inhabitants of the city of Limerick, and a few more garriſon towns: a limitation in every reſpect moſt perfidious, and wholly unjuſtifiable upon any plea of ambiguity in the language of the article, even if ſuch a plea could for a moment be allowed.

With reſpect to the rights conferred by the ſecond

ſecond article, this clauſe affords a ſtriking proof of the paltry ſubterfuges to which the Legiſlature of that day could have recourſe in order to defeat the ends of juſtice, and to oppreſs the Catholics. The ſecond article declares that all thoſe compriſed in the treaty, "ſhall hold, poſſeſs "and enjoy all and every their eſtates of free-"hold and inheritance; and all the rights, titles "and intereſts, privileges and immunities, which "they every or any of them hold, enjoyed, or "were rightfully and lawfully entitled to in the "reign of King Charles II." The clauſe of the act correſponds with the article, except in theſe moſt material points; after the word "inheritance:" the ſtop, inſtead of being a ſemicolon, as it was in the original treaty, is altered to a comma; and after the words "privileges and immunities," the words "to the ſaid eſtates" are inſerted; and thus the meaning of the ſecond article is wholly altered, and the words, "rights, privileges and immunities," made to refer to the eſtates of the Catholics, inſtead of to their perſons and liberties, to which only by the original article they can refer. If any authority were wanting to maintain this conſtruction, a very unqueſtionable one may be adduced from the ſpeech of Sir

Theobald Butler, before alluded to, who was in Limerick when it ſurrendered, and was the perſon employed to draw up the treaty.

This act for *confirming* the treaty, wholly omits that part of the ſecond article, which guarantees to the Catholics the exerciſe of their ſeveral trades and profeſſions. It alſo omits the fourth article. It limits the benefit of the indemnity granted by the ſixth article to a period ſubſequent to the 10th of April, 1689, and enables all perſons, who ſuffered any injuries between the 5th of November, 1688, and this period, to bring their actions for the ſame until the 1ſt of September, 1691, by declaring that the commencement of the war referred to in the article was the 10th of April, 1689, and not the 5th of November, 1688, and it omits the 7th, 8th, 9th, and 10th articles. Being in ſhort an act, that, under the name of conferring favours on the Catholics, really placed them in a worſe condition, than that in which they were before it paſſed into a law.

The other acts of this reign, relating to the Catholics, are an act to prevent Proteſtants from intermarrying with Papiſts,* and an act to prevent them

* 9th William III. c. 3.

them from being ſolicitors.* A clauſe was introduced in an act for the preſervation of game, prohibiting Papiſts from being employed as game-keepers.†

How it is poſſible to defend William and his miniſters from the charge of having acted with perfidy towards the Catholics, it is not eaſy to diſcover. That they were guilty of violating the treaty no one can deny. The excuſe that has been made for William, that he was obliged to ſubmit to the power of the anti-catholic party, may eaſily be proved to be a mere pretext. In the firſt place, the Parliament which paſſed theſe laws was under the controul of William; beſides he encouraged them, by a ſpeech from the throne, to ſtrengthen the Proteſtant intereſt. The preamble of the act for confirming the treaty, ſtates they were recommended by William to confirm only a part of the articles. But why did he not refuſe his conſent to theſe laws, on the ground of their being contrary to his ſolemn engagements to the Catholics? He had exerciſed this prerogative in the caſe of one Scotch,‡ and of one

 Engliſh

* 10th William III. c. 13.

† 10th William III. c. 8.

‡ For excluding from any public truſt all ſuch as had been concerned in the encroachments of the late reign.

Engliſh bill.* But even this extremity might have been avoided, becauſe the laws of Poynings required that every bill ſhould be approved by the King and Council of England before it could paſs the Houſe of Commons; and, if a bill was exceptionable, by withholding their approbation, a very common proceeding, it fell of courſe to the ground.

But if William and his miniſters were guilty of perfidy towards the Catholics, his ſucceſſor far outſtripped him. Nor has any ſucceeding prince been free from the blame of having been an acceſſary to his crime, in proportion as they have neglected or refuſed to repeal thoſe penal laws, which are ſo many glaring violations of the treaty of Limerick, which are a ſcandal to the boaſted good faith of the Engliſh nation, and a mockery of that equitable religion, whoſe precepts are founded upon the pureſt principles of juſtice and humanity.

ANNE.

* Concerning free and impartial proceedings in Parliament.

ANNE.

On the 4th of March, 1704, the royal aſſent was given to the *act to prevent the further growth of popery;* being the firſt of theſe two famous acts, which have moſt deſervedly been termed by Mr. Burke, the ferocious acts of Anne.

By the third clauſe of this act the popiſh father, though he may have acquired his eſtate by deſcent from a long line of anceſtors, or by his own purchaſe, is deprived of the power, in caſe his eldeſt ſon, or any other ſon, becomes a Proteſtant, to ſell, mortgage, or otherwiſe diſpoſe of it, or to leave out of it any portions or legacies.

By the 4th clauſe, the popiſh father is debarred, under a penalty of 500l. from being a guardian to, or from having the cuſtody of his own children; but if the child, though ever ſo young, pretends to be a Proteſtant, it is to be taken from its own father, and put into the hands of a Proteſtant relation.

The 5th clauſe provides that no Proteſtant ſhall marry a Papiſt, having an eſtate in Ireland, either in or out of the kingdom.

The

The 6th clauſe renders Papiſts incapable of purchaſing any manors, tenements, hereditaments, or any rents or profits ariſing out of the ſame, or of holding any leaſe of lives, or other leaſe whatever, for any term exceeding 31 years. Even with reſpect to this advantage reſtrictions were impoſed on them, one of which was, that if a farm produced a profit greater than one-third of the amount of the rent, the right in it was immediately to ceaſe, and to paſs over entirely to the firſt Proteſtant who ſhould diſcover the rate of profit.

The 7th clauſe deprives Papiſts of ſuch inheritance, deviſe, gift, remainder or truſt, of any lands, tenements or hereditaments, of which any Proteſtant was, or ſhould be ſeized in fee ſimple, abſolute or fee tail, which, by the death of ſuch Proteſtant, or his wife, ought to have deſcended to his ſon or other iſſue in tail, being Papiſts, and makes them deſcend to the neareſt Proteſtant relation, as if the Popiſh heir and other Popiſh relations were dead.

By the 10th clauſe, the eſtate of a Papiſt, for want of a Proteſtant heir, is to be divided, ſhare and ſhare alike, among all his ſons; for want of ſons, among his daughters; and, for want of daughters,

daughters, among the collateral kindred of the father.

By the 15th clauſe, no perſon ſhall be exempt from the penalties of this act, that ſhall not take and ſubſcribe the oath and declaration required by this act to be taken.

By the 16th clauſe, all perſons whatſoever who ſhall receive any office, civil and military, ſhall take and ſubſcribe the oath and declaration required to be taken by the Engliſh act of 3d Wm. and Mary; and alſo the oath of abjuration required to be taken by another Engliſh act of 1ſt Anne; and alſo ſhall receive the ſacrament.*

The 23d clauſe provides, that no Papiſt, except under particular conditions, ſhall dwell in Limerick or Galway.

The

* Upon this clauſe of the bill Biſhop Burnet makes the following obſervations: "A clauſe was added (in England) which they (the Roman Catholics) hoped would hinder its being accepted in Ireland. The matter was carried on ſo ſecretly, that it was known to none but thoſe who were at the Council, till the news of it came from Ireland, upon its being ſent thither.—It was hoped, by thoſe who got this clauſe added to the bill, that thoſe in Ireland, who promoted it, would be leſs fond of it when it had ſuch a weight hung to it." *Hiſt. v. 2. p. 214.*

This clauſe has ſince been called the Sacramental Teſt, the firſt impoſed on diſſenters in Ireland. It was repealed without any oppoſition in the Seſſions of 1782.

The 24th, that no perſons ſhall vote at elections without taking the oaths of allegiance and abjuration.

And the 25th clauſe, that all advowſons poſſeſſed by Papiſts ſhall be veſted in her Majeſty.

The Catholics, who had ſubmitted in ſilence to all the unjuſt tranſgreſſions of the laſt reign, felt it neceſſary, when this act was firſt brought before Parliament, to uſe their utmoſt exertions to prevent it from paſſing into a law. They, however, appealed in vain to the Engliſh Cabinet to reſpect the ſolemn engagements of the treaty of Limerick, and were obliged to have recourſe to a petition to the Iriſh Parliament.

Sir Theobald Butler was heard, as counſel for the petitioners, at the bar of the Houſe of Commons, on the 22d February, 1703: He ſtated, "that the bill would render null and void the ar-
"ticles of Limerick; that thoſe articles had been
"granted for the valuable conſideration of the
"ſurrender of that garriſon, at a time when the
"Catholics had the ſword in their hand, and were
"in a condition to hold out much longer; and
"when

" when they had it in their power to demand and
" make ſuch terms as might be for their own fu-
" ture liberty, ſafety, and ſecurity: That the al-
" lowing of the terms contained in theſe articles
" were highly advantageous to the government
" to which they ſubmitted, as well for uniting
" the people that were then divided, quieting
" and ſettling the diſtractions and diſorders of
" this miſerable kingdom, as for the other advan-
" tages which the government would thereby
" reap in its own affairs, both at home and
" abroad, when its enemies were ſo powerful,
" both by ſea and land, as to render the peace
" and ſettlement of theſe countries a circumſtance
" of great uncertainty: That theſe articles were
" ratified by their late Majeſties, for themſelves,
" their heirs, and ſucceſſors, and the public faith
" thereby plighted to all thoſe compriſed in theſe
" articles, in the moſt binding manner it was poſ-
" ſible for faith to be plighted, and than which
" nothing could be more ſacred and ſolemn: That,
" therefore, to violate and break thoſe articles
" would, on the contrary, be the greateſt injuſtice
" poſſible for any one people of the whole world

" to inflict upon another, and contrary to both " the laws of God and man." He then proceeded to ſhew that the clauſes of the bill which take away from Catholics the right to purchaſe, bequeath, ſell, and inherit eſtates, were infringements of the 2d article of the treaty: That the 9th clauſe of the bill, impoſing upon Catholics new oaths, was another manifeſt breach of the articles, for that, by the 9th article, no oath is to be adminiſtered to, nor impoſed upon ſuch Catholics as ſhould ſubmit to government, but the oath of allegiance, appointed by an act made in England in the firſt year of the reign of their late Majeſties; that the clauſes for prohibiting Catholics from reſiding in Limerick or Galway, from voting at elections without taking certain new oaths, and from poſſeſſing advowſons, were likewiſe infringements of the treaty. " For if," concludes Sir Theobald Butler, " there was no law in force in " the reign of Charles II. againſt theſe things, as " there certainly was not, and if the Roman " Catholics of this kingdom have not ſince for- " feited their right to the laws that then were in " force, as for certain they have not, then, with

" humble

"humble ſubmiſſion, all the aforeſaid clauſes, "and matters contained in this bill, entitled, *An* "*Act to prevent the further growth of Popery*, are "directly againſt the plain words and true intereſt "and meaning of the ſaid articles, and a violation "of the public faith."*

In conſequence of the paſſing of this act, and of thoſe other acts which were paſſed of a ſimilar tendency in the laſt reign, the Catholics were deprived of all thoſe privileges and immunities, which they truſted had been ſecured in conſequence of a King of England having bound himſelf, his heirs and ſucceſſors, to fulfil the conditions of the treaty of Limerick. In place of being the free ſubjects of a prince, from whom they were taught to expect only juſtice and mercy, they were made the ſlaves of every one, even of the very meaneſt, of their Proteſtant countrymen. They ſaw the Engliſh government, on whom they had claims for protection againſt their own parliament, directing its fanatic councils and confirming its crimes. By the treaty of Limerick they were

 left

* Vid. App. No. 1. for the Speech at length of Sir Toby Butler.

left at liberty to educate, and to act as guardians to their own children: by the penal laws they neither can ſend them to be educated abroad, or have them educated at home, or be guardians to their own, or the children of any other perſons.

By the treaty of Limerick, the free exerciſe of their religion was guaranteed to them. By the penal laws their prieſts are baniſhed, hanged if they returned home, and their chapels ſhut up.

By the treaty of Limerick, their noblemen and gentlemen were ſpecially allowed the privilege of wearing arms, and the whole body were equally entitled to the ſame privilege, becauſe, when it was executed, no law exiſted to the contrary. By the penal laws, no Catholic is permitted to have the uſe of arms, except a very few even of thoſe who were ſpecially comprized in the treaty.

By the treaty of Limerick, Catholics might intermarry with Proteſtants. By the penal laws this privilege is removed.

By the treaty of Limerick, the profeſſion of the law was open to them; by theſe laws it is taken from them.

By the treaty of Limerick, the Catholics could purchaſe, ſell, bequeath, and inherit landed property. By the penal laws they can neither purchaſe, ſell, bequeath or inherit landed property, take annuities for lives ſecured on lands, or any longer leaſe of land than for 31 years; nor could they lend money on mortgage* or veſt it in public ſecurities.

By the treaty of Limerick, the Catholics were left in full enjoyment of every political franchiſe, except thoſe of holding offices under government, and of becoming members of corporations. By the penal laws, they can not vote at veſtries, ſerve on grand juries, act as conſtables, or as ſheriffs or under-ſheriffs, be magiſtrates, vote at elections, or ſit in parliament.†

By

* By a conſtruction of Lord Hardwicke.

† "The excluſion from the law, from grand juries, from ſheriffſhips and under-ſheriffſhips, as well as from freedom in any corporation, may ſubject them to dreadful hardſhips, as it

By the treaty of Limerick, they were protected from being called upon to take any other oaths beſides the oath of allegiance of the 1ſt William and Mary. By the penal laws they are required to take the oaths of abjuration and ſupremacy, and to ſubſcribe declarations againſt the principal tenets of their religious faith.

By the treaty of Limerick, they were acknowledged as the free ſubjects of a Britiſh King; by the penal laws they are placed in the double capacity of ſlaves and enemies of their Proteſtant countrymen. Had they become mere ſlaves, they might have experienced ſome degree of humane treatment; but, as the policy which made them ſlaves, held them out at the ſame time as the natu-

ral

it may exclude them wholly from all that is beneficial, and expoſe them to all that is miſchievous in a trial by jury. This was manifeſtly within my own obſervation, for I was three times in Ireland from the year 1760 to the year 1767, where I had ſufficient means of information, concerning the inhuman proceedings (among which were many cruel murders, beſides an infinity of outrages and oppreſſions, unknown before in a civilized age) which prevailed during that period, in conſequence of a pretended conſpiracy among Roman Catholics againſt the King's Government."—*Burke's Letter to a Peer of Ireland.*

ral and intereſted enemies of their maſters, they were doomed to experience all the oppreſſion of tyranny, without any of the chances, that other ſlaves enjoy, of their tyrants being merciful, from feeling their tyranny ſecure.

This ſtatement will be ſufficient to convince thoſe who really form their political opinions upon moral and juſt principles, that the penal laws never ſhould have been enacted; and that it is the duty of every upright ſtateſman to promote the inſtant repeal of the whole of them: becauſe it proves a ſolemn compact entered into between the Catholics and the Engliſh Government, and the breach of that contract by the Engliſh Government, notwithſtanding the Catholics fulfilled their part of the agreement. That man muſt, indeed, be a moſt conſummate hypocrite, who aſſumes to himſelf a pre-eminent character for virtue and morality, and who yet can gravely and zealouſly contribute to make perpetual the political diſabilities of the Catholics, which were the baſe and perfidious means adopted by a wicked legiſlature to influence men's conſciences by corrupt motives, and tempt and bribe them to apoſtacy.

As

As there are, however, no ſmall number of politicians who, though they would think it an edifying exhibition to ſee a Catholic conſigned to martyrdom (occaſionally), yet would be ſcandalized at the bare idea of breaking faith with him in any affair of barter, particularly if they had already received from him their conſideration, and that a valuable one; it will be neceſſary to make ſome further obſervations upon the violation of the treaty of Limerick, in order that no one may have a pretext on which he can eſcape the fair concluſion that ought to be drawn from what has been advanced, that the Engliſh government and nation are, at this day, bound to make good to the Catholics of Ireland the ſtipulations contained in that treaty. For, if ever there was an inſtance in which the conſideration that formed the baſis of a treaty ſhould have ſecured a liberal and a juſt fulfilment, it was the inſtance of this treaty of Limerick. In the courſe of the three campaigns during which the war laſted in Ireland, the Engliſh army had been defeated on ſeveral occaſions. In the North under Schomberg; before Athlone under Douglas; and before Limerick under

der William himſelf. The victory of the Boyne was the reſult of the perſonal feelings of James, not of any deficiency in the number of his army, or of any want of courage on their part. "Exchange Kings," ſaid the Iriſh officers, "and we will once more fight the battle." St. Ruth had won the battle of Aughrim, and had exclaimed, in an ecſtacy of joy, "Now will I drive the Engliſh to the walls of Dublin," at the moment the fatal ball ſtruck him.* And, at the time the garriſon of Limerick capitulated, the Iriſh army was in a condition to hold out at leaſt another campaign, with a good proſpect of being able to reſtore the fallen fortunes of James. The beſieging army had made no impreſſion on the principal part of the city; it was inferior in numbers to that of the garriſon; winter was faſt approaching, and at the very moment French ſuccours were on the coaſt:† yet all theſe advantages did the Iriſh army forego, in conſideration of the terms which were granted to them by the treaty of Limerick. On the other hand, in granting theſe terms, the Engliſh government and nation obtained advantages

* Leland, B. 6. c. 7. † Note A. Appendix.

of the utmoſt importance. For ſo long as James had a powerful army in Ireland, and nearly one-half of the kingdom under his dominion, the great work of the revolution was neither accompliſhed or ſecured. The fair way, therefore, of judging of the value of the treaty of Limerick to England, is to conſider how far it contributed to promote this ineſtimable object. If the treaty of Limerick, in any degree, led to the eſtabliſhment of the revolution, the vaſt importance of this event ſhould have inclined the people of England to act with juſtice, at leaſt, towards the Catholics. But if their ſubmiſſion contributed eſſentially to crown the brilliant efforts of the friends of liberty with ſucceſs, then indeed the people of England ſhould have felt zealous to act towards the Catholics, not on a cold calculation of what was merely juſt on their part, but with that kindneſs with which we always regard thoſe who have promoted our proſperity, whether intentionally or not. That the ſubmiſſion of the Iriſh Catholics did ſo contribute to complete the revolution is plain, from the means which they poſſeſſed of continuing the war; from the opportunity it afforded William to bring his whole forces to bear againſt Louis; and

from

from the termination it fixed to the hopes and the conſpiracies of the adherents of James in England. Yet, notwithſtanding the great conceſſions which the Catholics, on their part, made by their ſubmiſſion, in order to obtain the terms of the treaty of Limerick, and the great advantages which the Engliſh nation, on the other hand, acquired by it, twelve years only elapſed before the Catholics were deprived of every right and privilege which was ſolemnly guaranteed to them by that treaty.

The only ſpecies of juſtification that could, under any circumſtances, have been brought forward for acting in this manner towards the Catholics, would have been, the proof of the forfeiture, by miſconduct, of their right to the fulfilment of the treaty. That any thing which they did prior to the treaty, could have, in juſtice, any influence on meaſures paſſed ſubſequent to its taking place, is quite impoſſible; becauſe the treaty admitted their acts to be thoſe of open and honourable enemies, and ſpecifically pardoned them.* As to

 their

* "The peculiar ſituation of that country, (Ireland)," ſays Macpherſon, "ſeems to have been overlooked in the conteſt. The

their conduct afterwards, even their moſt inveterate and moſt unprincipled enemies did not charge them with a ſingle tranſgreſſion againſt the State, from the year 1691 to the year 1704, when the act to prevent the farther growth of Popery was paſſed. And it is very plain that no ſuch charge could be maintained, from the paltry attempt that was made in Parliament to juſtify this act. It was ſaid, "That the Papiſts had not demonſtrated "how and where, ſince the making of the articles "of Limerick, they had addreſſed the Queen or "Government, when all other ſubjects were ſo "doing; and that any right, which they pre-"tended was to be taken from them by the bill, "was in their own power to remedy, by con-"forming,

The deſertion, upon which the deprivation of James had been founded in England, had not exiſted in Ireland. The Lord Lieutenantcy had retained his allegiance. The government was uniformly continued under the name of the Prince, from whom the ſervants of the Crown had derived their commiſſions. James himſelf had, for more than 17 months, exerciſed the royal function in Ireland. He was certainly *de facto*, if not *de jure*, King. The rebellion of the Iriſh muſt, therefore, be founded on the ſuppoſition, that their allegiance is tranſferable by the Parliament of England. A ſpeculative opinion can ſcarcely juſtify the puniſhment of a great majority of a people. The Iriſh ought to have been conſidered as enemies, rather than rebels."—*Hiſt. Great Britain.*

"forming, as in prudence they ought to do; and "that they ought not to blame any but them-"ſelves."* No circumſtance can poſſibly illuſtrate more clearly the innocence of the Catholics, and their loyalty and good conduct, from the treaty of Limerick to the paſſing of this act, than this mockery of juſtification; nor could any thing more diſtinctly bring to our underſtandings an accurate comprehenſion of the perfidy and baſeneſs of that government, and of that Parliament, which could adduce ſo ſilly an excuſe for ſuch ſtern and crafty oppreſſion.

Though the treaty of Limerick was now violated in every point, the ſpirit of perſecution was ſtill reſtleſs and unſatisfied. However great was the ingenuity of the legiſlators who produced that maſter-piece of oppreſſion, the act to prevent the farther growth of Popery, it was found that another act was ſtill wanting to explain and amend it. Such an act paſſed in the year 1709.†

The 1ſt clauſe provides, that no Papiſt ſhall be capable of taking any annuity for life.

The

* Debates on the Popery Laws, App. I. † 8th Anne, c. 3.

The following is the 3d clauſe, every word of which is of value, in order to ſhew the cruelty with which the unfortunate Catholics of Ireland have been oppreſſed: "And, be it further enacted, "by the authority aforeſaid, that where and as "often as any child or children of any Popiſh "parent or parents hath or have heretofore pro- "feſſed or conformed him, her, or themſelves, to "the Proteſtant religion, as by law eſtabliſhed, "and enrolled in the High Court of Chancery a "certificate of the Biſhop of the dioceſs in which "ſhe or they ſhall inhabit or reſide, teſtifying "his, her, or their being a Proteſtant, and con- "forming him, her, or themſelves, to the Church "of Ireland, as by law eſtabliſhed, it ſhall and "may be lawful for the High Court of Chan- "cery, upon a bill founded upon this act, to ob- "lige the ſaid Papiſt parent or parents to diſcover "upon oath the full value of all his, her, or their "eſtate, as well perſonal as real, clear, over and "above all real incumbrances and debts contract- "ed, bona fide, for valuable conſideration, before "the enrolment of ſuch certificate, and thereupon "to make ſuch order for the ſupport and mainte- "nance of ſuch Proteſtant child or children, by

"the

" the diſtribution of the ſaid real and perſonal " eſtate, to and among ſuch Proteſtant child " or children, for the preſent ſupport of ſuch " Proteſtant child or children; and alſo to and " for the portion or portions, and future mainte- " nance or maintenances, of ſuch Proteſtant child " or children, after the deceaſe of ſuch Popiſh " parent or parents, as the ſaid court ſhall judge " fit."

The 12th clauſe provides, that all converts in public employments, members of parliament, barriſters, attornies, or officers of any courts of law, ſhall educate their children Proteſtants.

By the 14th clauſe, the Popiſh wife of a Papiſt, having power to make a jointure, conforming, ſhall, if ſhe ſurvives her huſband, have ſuch proviſion, not exceeding the power of her huſband, to make a jointure, as the Chancellor ſhall adjudge.

By the 15th clauſe, the Popiſh wife of a Papiſt, not being otherwiſe provided for, conforming, ſhall have a proportion out of his chattels, notwithſtanding

withſtanding any will or voluntary diſpoſition, and the ſtat. 7th W. III. 6.

The 16th clauſe provides, that a Papiſt teaching ſchool publicly, or in a private houſe, or as uſher to a Proteſtant, ſhall be deemed and proſecuted as a Popiſh regular convict.

The 18th clauſe provides, that Popiſh prieſts, who ſhall be converted, ſhall receive 30l. per annum, to be levied and paid by Grand Juries.

The 20th clauſe provides, whimſically enough, for the reward of diſcovering Popiſh clergy and ſchoolmaſters, viz.

For diſcovering an archbiſhop, biſhop, vicar-general, or other perſon exerciſing any foreign eccleſiaſtical juriſdiction - - - -	£. 50 0 0
For diſcovering each regular clergyman, and each ſecular clergyman, not regiſtered - - -	20 0 0
For diſcovering each Popiſh ſchoolmaſter or uſher - -	£. 10 0 0

For

The 21ſt clauſe empowers two juſtices to ſummon any Papiſt of 18 years of age, and if he ſhall refuſe to give teſtimony where and when he heard maſs celebrated, and who and what perſons were preſent at the celebration of it, and likewiſe touching the reſidence and abode of any prieſt or Popiſh ſchoolmaſter, to commit him to jail, without bail, for 12 months, or until he ſhall pay 20l.

By the 25th clauſe, no prieſt can officiate except in the pariſh for which he is regiſtered, by 2d Anne, c. 7.

The 30th clauſe provides for the diſcovery of all truſts agreed to be undertaken in favour of Papiſts; and enables any Proteſtant to file a bill in Chancery againſt any perſon concerned in any ſale, leaſe, mortgage, or incumbrance, in truſt for Papiſts, and to compel him to diſcover the ſame; and it further provides, that all iſſues to be tried in any action founded upon this act, ſhall be tried by none but known Proteſtants.

The 37th clauſe provides, that no Papiſt in trade, except in the linen trade, ſhall take more than two apprentices.

The following are the other acts paſſed in this reign concerning the Catholics.

An act to prevent Popiſh clergy from coming into the kingdom.*

An act for regiſtering Popiſh clergy. By which all the Catholic clergy then in the kingdom were required to give in their names and places of abode at the next quarter ſeſſions; by this act they are prohibited from employing curates.†

An act to amend this act. ‡

An act to explain and amend an act to prevent Papiſts being ſolicitors or ſheriffs, &c.§

Clauſes are introduced into this act by which Catholics were prevented from ſerving on grand juries; and by which, in trials upon any ſtatute for ſtrengthening the Proteſtant intereſt, the plaintiff might challenge a Papiſt, which challenge the judge was to allow. If abſurdity could catch the attention

* 2d Anne, c. 3.
† 2d Anne, c. 7.
‡ 4th Anne, c. 2.
§ 6th Anne, c. 1.

attention where ferocity is ſo prominent, one might ſmile to ſee this code of Queen Anne, entitled, as it then was in all public documents, A Wiſe Syſtem for the Quieting and Settling of Ireland.

During all Queen Anne's reign, the inferior civil officers, by order of government, were inceſſantly haraſſing the Catholics, with oaths, impriſonments, and forfeitures, without any viſible cauſe but hatred of their religious profeſſion. In the year 1708, on the bare rumour of an intended invaſion of Scotland by the Pretender, 41 Roman Catholic noblemen and gentlemen were impriſoned in the caſtle of Dublin; and, when they were afterwards ſet at liberty, the government was ſo ſenſible of the wrong done to them, that it remitted their fees, amounting to 800l. A cuſtom that had exiſted, from time immemorial, for infirm men, women, and children, to make a pilgrimage every ſummer to a place called St. John's well, in the county of Meath, in hopes of obtaining relief from their ſeveral diſorders, by performing at it certain acts of penance and devotion, was deemed an object worthy of the ſerious conſideration of the Houſe of Commons; who accordingly paſſed a

vote, that theſe ſickly devotees "were aſſembled "in that place to the great hazard and danger of "the public peace, and ſafety of the kingdom." They alſo paſſed a vote, on the 17th March, 1705, "That all magiſtrates and other perſons "whatſoever, who neglected or omitted to put "them (the penal laws) in due execution, were "betrayers of the liberties of the kingdom;"* and, in June 1705, they reſolved, "That the "ſaying and hearing of maſs, by perſons who had "not taken the oath of abjuration, tended to ad- "vance the intereſt of the Pretender; and that "ſuch judges and magiſtrates as wilfully neglected "to make diligent inquiry into, and to diſcover "ſuch wicked practices, ought to be looked upon "as enemies to her Majeſty's government."† And, upon another occaſion, they reſolved, "That "the proſecuting and informing againſt Papiſts "was an honourable ſervice to the govern- "ment."‡

* Com. Jour. 3. 289. † Ib. 319. ‡ Ib. 319.

GEORGE

GEORGE I.

The following acts of Parliament were paſſed in this reign, for the purpoſe of ſtrengthening the ſyſtem which had been adopted by William and Anne, for preventing the growth of Popery.

An act to make the militia of this kingdom more uſeful.*

By the 11th and 12th clauſes of this act, the horſes of Papiſts may be ſeized for the militia.

By the 4th and 18th clauſes, Papiſts are to pay double towards raiſing the militia.

By the 16th clauſe, Popiſh houſe-keepers in a city, are to find fit Proteſtant ſubſtitutes.

An act to reſtrain Papiſts from being high or petty conſtables, and for the better regulating the pariſh watches.†

An

* 2d G. I. c. 9.

† 2d G. I. c. 10.—This act expired in three years, and was not renewed.

An act for the more effectual preventing fraudulent conveyances, in order to multiply votes for electing members to ſerve in Parliament, &c.*

By the 7th clauſe of this act no Papiſt can vote at an election unleſs he takes the oaths of allegiance and *abjuration.*

An act for the better regulating the town of Galway, and for ſtrengthening the Proteſtant intereſt therein.†

An act for the better regulating the corporation of the city of Kilkenny, and ſtrengthening the Proteſtant intereſt therein.‡

An act by which Papiſts reſident in towns, who ſhall not provide a Proteſtant watchman to watch in their room, ſhall be ſubject to certain penalties.‖

By the 7th clauſe of this act, no Papiſt can vote at a veſtry.

Theſe

* 2d Geo. I. c. 19.
† 4th Geo. I. c. 15.
‡ 4th Geo. I. c. 16.
‖ 6th Geo. I. c. 10.

Theſe acts of Parliament originated in the ſame ſpirit of perſecution, which diſgraced the reigns of William and Anne, and were, like the penal laws againſt the Catholics of thoſe reigns, palpable violations of the treaty of Limerick.—Though a glimmering of toleration had found its way into the councils of England, and given riſe to "*an act for exempting Proteſtant diſſenters of this country (Ireland) from certain penalties to which they were ſubject,*" the Catholics were excluded, by a particular clauſe, from any benefit of it. And though it was in this reign that the firſt act* paſſed "*for diſcharging all perſons in offices and employments from all penalties which they had incurred by not qualifying themſelves, purſuant to an act to prevent the further growth of Popery,*" the favour conferred by it was wholly to the Proteſtant diſſenters, as no Catholic had been placed in any public office ſince the paſſing of that penal law.

The loyalty of the Catholics was in this reign put to a complete trial by the Scotch rebellion of 1715. If, after having fought three campaigns in

* 6th Geo. I.

in ſupport of James's pretenſions to the throne of Ireland; after having experienced the infraction of every part of the treaty of Limerick, and been expoſed to a code of ſtatutes, by which they were totally excluded from the privileges of the conſtitution; and if, after they had become ſubject "to the worſt of all oppreſſions, the perſecution of private ſociety and private manners,"* they had embarked in the cauſe of the invader, their conduct would have been that of a high ſpirited nation, goaded into a ſtate of deſperation by their relentleſs tormentors, and if their reſiſtance had been ſucceſsful, their leaders would have ranked among the Tell's and Waſhington's of modern hiſtory. But ſo far from yielding to the natural dictates of revenge, or attempting to take advantage of what was paſſing in Scotland to regain their rights, they did not follow the example of their rulers, in violating, upon the firſt favourable opportunity, a ſacred and ſolemn compact; and thus they gave the ſtrongeſt teſtimony, that they had wholly given up their former hopes of eſtabliſhing a Catholic prince upon

* Burke's Letter to a Peer of Ireland.

upon the throne. Their loyalty was not however a protection to them againſt the oppreſſions of their Proteſtant countrymen. The penalties for the exerciſe of their religion, were generally and rigidly inflicted. Their chapels were ſhut up, their prieſts dragged from their hiding-places, hurried into priſons, and from thence ſent into baniſhment.

GEORGE II.

In this reign, the following additional diſabilities were impoſed upon the Catholics.

By the 1ſt G. II. c. 9. ſect. 7. no Papiſt could vote at an election without taking the oath of ſupremacy. However great the oppreſſion which the Catholics had experienced during former reigns, this meaſure altogether completed their entire excluſion from the benefits of the Conſtitution, and from the opportunity of regaining their former juſt rights. It was becauſe this privilege had began to operate amongſt Proteſtants in a manner very favourable to the Catholics, and to bring about a feeling of regret for their ſufferings, and a coalition between the two parties to oppoſe the influence of the Engliſh Government as a common cauſe of grievances, that Primate Boulter adviſed the Miniſters to paſs this law. His principle of Government for Ireland was to uphold the Engliſh intereſt by the diviſions of the inhabitants; and, on this occaſion, it induced him to adopt the deſperate reſolution of

of disfranchiſing, at one ſtroke, above five-ſixths of its population.*

By the firſt clauſe of 1ſt Geo. II. c. 30. barriſters, ſix clerks, &c. are required to take the oath of ſupremacy.

By the ſecond clauſe all converts, &c. are bound to educate their children as Proteſtants.

By 7th Geo. II. c. 5. ſect. 12, barriſters or ſolicitors, marrying Papiſts, are deemed Papiſts, and made ſubject to all penalties as ſuch.

By 7th Geo. II. c. 6. no convert can act as a juſtice of the peace, whoſe wife or children, under 16 years of age, are educated Papiſts.

The 13th Geo. II. c. 6. is an act to amend former acts for diſarming Papiſts.

By the 6th clauſe of this act, Proteſtants educating their children Papiſts are made ſubject to the ſame diſabilities as Papiſts are.

* Primate Boulter, in his Letter of this year to the Archbiſhop of Canterbury, (1ſt vol. p. 210.) ſays, "There are probably in this kingdom five Papiſts at leaſt to one Proteſtant."

By 9th Geo. II. c. 3. no perſon can ſerve on a petty jury, unleſs ſeized of a freehold of 5l. per annum, or, being a Proteſtant, ſhall not be poſſeſſed of a profit rent of 15l. per annum, under a leaſe for years.

By 9th Geo. II. c. 6. ſect. 5. perſons robbed by privateers during war with a Popiſh prince, ſhall be reimburſed by grand jury preſentment, and the money be levied upon the goods and lands of Popiſh inhabitants only.

The 19th Geo. II. c. 5. is an act for granting a duty on hawkers and pedlars to the ſociety of Proteſtant charter-ſchools.

The 19th Geo. II. c. 13. is an act to annul all marriages between Proteſtants and Papiſts, or celebrated by Popiſh prieſts.

By the 23d Geo. II. c. 10. ſect. 3. every Popiſh prieſt who ſhall celebrate any marriage contrary to 12th Geo. I. c. 3. and be thereof convicted, ſhall be hanged.

Of theſe laſt acts, and of Lord Cheſterfield's adminiſtration, Mr. Burke gives the following account. "This man, while he was duping the "credulity of the Papiſts with fine words in private, "and commending their good behaviour during a "rebellion in Great Britain, as it well deſerved to "be commended and rewarded, was capable of "urging penal laws againſt them in a ſpeech from "the throne,* and of ſtimulating with provocatives "the wearied and half exhauſted bigotry of the "Parliament of Ireland. They ſet to work, but "they were at a loſs what to do; for they had "already almoſt gone through every contrivance "which could waſte the vigour of their country: "but, after much ſtruggle, they produced a child "of their old age, the ſhocking and unnatural "act about marriages, which tended to finiſh the "ſcheme

* "The meaſures that have hitherto been taken to prevent the growth of Popery, have, I hope, had ſome, and will ſtill have a greater effect; however I leave it to your conſideration whether nothing further can be done, either by new laws, or by more effectual execution of thoſe in being, to ſecure the nation againſt the greater number of Papiſts, whoſe ſpeculative errors would only deſerve pity, if their pernicious influence upon civil ſociety did not both require and authoriſe reſtraint." —*Speech to both Houſes of Parliament, October* 8, 1745.—Com. Jour. 7. 642.

" ſcheme for making the people not only two " diſtinct parties for ever, but keeping them as " two diſtinct ſpecies in the ſame land. Mr. " Gardiner's humanity was ſhocked at it, as one " of the worſt parts of that truly barbarous " ſyſtem, if one could well ſettle the preference, " where almoſt all the parts were outrages on " the rights of humanity and the laws of " nations."*

Of the conduct of the Catholics during the Scotch rebellion of 1745, fortunately for them, but greatly to the ſhame of thoſe who accuſe them of being actuated by religious principles inconſiſtent with their duty to their ſovereign, there is on record an irrefutable document. In the year 1762, upon a debate in the Houſe of Lords, about the expediency of raiſing five regiments of Catholics for the King of Portugal, the Primate, Dr. Stone, in anſwer to the uſual objections that were urged on all occaſions againſt the good faith and loyalty of that body, declared in his place, " that in the year " 1747, after that rebellion was entirely ſup-

" preſſed,

* Letter to a Peer in Ireland.

" preſſed, happening to be in England, he had " an opportunity of peruſing all the papers of the " rebels, and their correſpondents, which were " ſeized in the cuſtody of Murray, the Preten- " der's ſecretary; and that, after having ſpent " much time, and taken great pains in examining " them, not without ſome ſhare of the then " common ſuſpicion, that there might be ſome " private underſtanding and intercourſe between " them and the Iriſh Catholics, he could not " diſcover the leaſt trace, hint, or intimation of " ſuch intercourſe or correſpondence in them, or " of any of the latter's favouring or abetting, or " having been ſo much as made acquainted with " the deſigns or proceedings of theſe rebels. And " what," he ſaid, " he wondered at moſt of all " was, that in all his reſearches, he had not met " with any paſſage in any of theſe papers, from " which he could infer, that either their Holy " Father, the Pope, or any of his Cardinals, " Biſhops, or other Dignitaries of that Church, " or any of the Iriſh clergy, had either directly, " or indirectly, encouraged, aided, or approved " of the commencing or carrying on of that " rebellion."*

Thoſe

* Curry, Rev. 2. 260.

Thoſe of the clergy of England, who lately took ſo active a part in exciting and upholding the infamous outcry of "No Popery"—will do well to compare this declaration of Primate Stone, with the following ſtatement of the conduct of the Iriſh clergy, immediately upon the breaking out of the Scotch rebellion. They will learn how eaſily it is, even for the grave profeſſion of the church to commit errors, and to pollute its ſacred character, by embarking in the controverſy of party politics. "The Biſhops wrote paſtoral letters to their reſpective dioceſans to excite the members of the eſtabliſhed church to enforce all the penal ſtatutes, and with equal wiſdom and charity, and a ready obedience did the clergy follow the example and directions of their ſuperiors, and apply the whole power of their body to ſupport the fanatic politics of the day. In their inflammatory ſermons they excited religious animoſity by reviving the moſt ſhocking circumſtances of the Iriſh rebellion of 1641, and of the gun-powder plot in England in 1605. Theſe tranſactions were ſtudiouſly aggravated, and the crimes, whether real or ſuppoſed, committed by Catholics, dead more than a century before, was imputed

imputed to all thoſe who ſurvived of the ſame religious perſuaſion.

If the conduct of the biſhops and clergy was improper, on account of its inconſiſtency with thoſe principles of univerſal charity, that the goſpel, whoſe well paid miniſters they were, inculcated; it was ſtill more ſo in conſequence of the total want of grounds, even of ſuſpicion, that the Catholics were diſloyal. Beſides, it was indecent in the laſt degree for thoſe, who were endowed by the ſtate for the purpoſe only of diſcharging the functions of a religious profeſſion, to degrade their ſacred character by aſſuming the duties of the civil magiſtrates, and embarking in all the tumult and paſſion of political perſecution. The conduct of the Catholic prieſts at this period forms a contraſt, by no means creditable to thoſe who teach the ſuperior tolerance of the Proteſtant religion, and ground their animoſities againſt the Catholics on the ſuppoſed illiberality which controuls their principles. This oppreſſed and indigent body of men, inſtead of taking offence at the proceedings of the biſhops and clergy of the eſtabliſhed church, "co-operated

"with their Proteſtant brethren, to maintain "order and tranquility. Their paſtoral letters, "public diſcourſes from the pulpit, and private "admonitions, were equally directed for the ſer- "vice of the government."* Yet theſe clergy were the members of that church, the principles of which are ſtated to be of ſuch a nature by many of the Engliſh clergy, as to render it abſolutely impoſſible, that a Catholic can be a good ſubject; an opinion, however, which muſt vaniſh, before this and other equally ſtrong proofs, of the uniform and deeply rooted loyalty of the Iriſh Catholics.

On the 26th September, 1757, the Duke of Bedford was ſworn in Lord Lieutenant. His open declarations of liberal ſentiments towards the Catholics, and ſome communications that were made for the firſt time ſince the paſſing of the ferocious act of Anne, to pervert the growth of Popery, of an intention to repeal ſome part of the penal laws, encouraged them to hope for a change in the ſyſtem of Iriſh government. Ten days after

* Cheſterfield's Works, 1. 150. Ir. Ed.

after his arrival, the Catholic clergy of Dublin, influenced by theſe communications, read the following exhortation to their reſpective congregations. This exhortation forms the firſt and a very important document in proof of the ſufferings, the reſignation, and the loyalty of the Catholic body. It is one peculiarly deſerving of the attention, as being well calculated to remove the ignorance and prejudices of thoſe who ſtill perſiſt in calumniating the Catholic clergy of Ireland as enemies to the King and Conſtitution.

Exhortation of the Roman Catholic Clergy of Dublin, read from their Altars on the 2d of October, 1757.

It is now time, Chriſtians, that you return your moſt grateful thanks to the Almighty God, who, after viſiting you with a ſcarcity, which approached near unto a famine, has been graciouſly pleaſed, like a merciful father, to hear your prayers, and feed you with a plentiful harveſt; nor ought you to forget thoſe kind benefactors, who, in the ſevereſt times, mindful only of the public good, generouſly beſtowed, without any diſtinction of perſons, thoſe large charities, by which thouſands were preſerved, who otherwiſe muſt have periſhed the victims of hunger and poverty. We ought eſpecially to be moſt earneſt in our thanks to the chief governors and magiſtrates of the kingdom, and of this city in particular, who, on this occaſion, proved the fathers and ſaviours of the nation. But as we have not a more effectual method of ſhewing our

acknowledgment to our temporal governors, than by an humble, peaceful, and obedient behaviour; as hitherto, we earneſtly exhort you to continue in the ſame happy and Chriſtian diſpoſition, and thus, by degrees, you will entirely efface in their minds thoſe evil impreſſions, which have been conceived ſo much to our prejudice, and induſtriouſly propagated by our enemies. A ſeries of more than ſixty years ſpent, with a pious reſignation, under the hardſhips of very ſevere penal laws, and with the greateſt thankfulneſs for the lenity and moderation, with which they were executed, ever ſince the acceſſion of the preſent royal family, is certainly a fact which muſt outweigh, in the minds of all unbiaſſed perſons, any miſconceived opinions of the doctrine and tenets of our holy church.

You know that it has always been our conſtant practice, as miniſters of Jeſus Chriſt, to inſpire you with the greateſt horror for theſts, frauds, murders, and the like abominable crimes; as being contrary to the laws of God and nature, deſtructive of civil ſociety, condemned by our moſt holy church, which, ſo far from juſtifying them on the ſcore of religion, or any other pretext whatſoever, delivers the unrepenting authors of ſuch criminal practices over to Satan.

We are no leſs zealous than ever in exhorting you to abſtain from curſing, ſwearing, and blaſpheming; deteſtable vices, to which the poorer ſort of our people are moſt unhappily addicted, and which muſt at one time or other bring down the vengeance of heaven upon you in ſome viſible puniſhment, unleſs you abſolutely refrain from them.

It is probable, that, from hence, ſome people have taken occaſion to brand us with this infamous calumny, that we need not fear to take falſe oaths, and conſequently to perjure ourſelves; as if we believed that any power upon earth could

authoriſe

authoriſe ſuch damnable practices, or grant diſpenſations for this purpoſe. How unjuſt and cruel this charge is, you know by our inſtructions to you both in public and private, in which we have ever condemned ſuch doctrines, as falſe and impious. Others, likewiſe, may eaſily know it from the conſtant behaviour of numbers of Roman Catholics, who have given the ſtrongeſt proofs of their abhorrence of thoſe tenets, by refuſing to take oaths, which, however conducive to their temporal intereſt, appeared to them entirely repugnant to the principles of their religion.

We muſt now intreat you, dear Chriſtians, to offer up your moſt fervent prayers to the Almighty God, who holds in his hands the hearts of kings and princes, beſeech him to direct the counſels of our rulers, to inſpire them with ſentiments of moderation and compaſſion towards us. We ought to be more earneſt, at this juncture, in our ſupplications to heaven; *as ſome very honourable perſonages have encouraged us to hope for a mitigation of the penal laws.* Pray then the Almighty to give a bleſſing to theſe their generous deſigns, and to aid their counſels, in ſuch a manner, that, whilſt they intend to aſſiſt us, like kind benefactors, they may not, contrary to their intentions, by miſtaking the means, moſt irretrievably deſtroy us.

To conclude, be juſt in your dealings, ſober in your conduct, religious in your practice, avoid riots, quarrels, and tumults; and thus you will approve yourſelves good citizens, peaceable ſubjects, and pious Chriſtians.

Inſtead, however, of a repeal taking place of any of the penal laws, rumours began very generally

rally to prevail, of its being the intention of government to proceed to carry into effect a bill, that had been prepared by the former adminiſtration, for altering the law reſpecting the regiſtry of the clergy. The exiſting law, which paſſed in the reign of Queen Anne, had been found too penal to admit of its being carried into execution; and thus, by an exceſs of tyranny, was the object of it wholly defeated. In the place of this law, it had been propoſed to paſs one with ſuch proviſions, that it ſhould, like the other penal laws, execute itſelf; and, upon this project being now revived, the Catholics, for the firſt time ſince 1704, took meaſures as a body to vindicate their religious and civil principles. Mr. Charles O'Connor, the celebrated Iriſh ſcholar and antiquarian, with the aſſiſtance of Dr. Curry, the author of the Review of the Civil Wars of Ireland, and Mr. Wyſe, of Waterford, exerted themſelves with good effect in perſuading their ſuffering countrymen of the neceſſity of coming forward to induce their rulers to admit them into a participation of the privileges of the conſtitution. As a ground-work of their future labour, Dr. O'Keefe, the titular Biſhop of Kildare, propoſed, at a meeting

ing held at Lord Trimbleſton's, a declaration of the principles of their church, as far as they could bear upon their civil duties, to be ſigned by the chiefs of their body, and publiſhed as an anſwer to the miſrepreſentations and calumnies they had laboured under ſince the reformation of the national religion: this declaration was unanimouſly adopted; it was ſigned by many clergymen and gentlemen of rank and property, and ſent to Rome, as the act and deed of the Iriſh Catholics. It is as follows:*

Whereas certain opinions and principles, inimical to good order and government, have been attributed to the Catholics, the exiſtence of which we utterly deny; and whereas it is at this time peculiarly neceſſary to remove ſuch imputations, and to give the moſt full and ample ſatisfaction to our Proteſtant brethren, that we hold no principle whatſoever incompatible with our duty as men or as ſubjects, or repugnant to liberty, whether political, civil, or religious.

Now we, the Catholics of Ireland, for the removal of all ſuch imputations, and in deference to the opinion of many reſpectable bodies of men, and individuals among our Proteſtant brethren, do hereby, in the face of our country, of all Europe, and before God, make this our deliberate and ſolemn declaration:

1ſt.

* This declaration was republiſhed in 1792.—*Plowden*, v. 3. *p.* 179.

1ſt. We abjure, diſavow, and condemn the opinion, that princes, excommunicated by the pope and council, *or by any eccleſiaſtical authority whatſoever*, may therefore be depoſed or murdered by their ſubjects, or any other perſons. We hold ſuch doctrine in deteſtation, as wicked and impious; and we declare that we do not believe, that either the pope, with or without a general council, or *any prelate or prieſt, or any eccleſiaſtical power whatſoever*, can abſolve the ſubjects of this kingdom, or any of them, from their allegiance to his Majeſty King George the Third, who is, by authority of Parliament, the lawful king of this realm.

2d. We abjure, condemn, and deteſt, as unchriſtian and impious, the principle, that it is lawful to murder, deſtroy, or any ways injure any perſon whatſoever, for or under the pretence of being heretics; and we declare ſolemnly before God, that we believe that *no act, in itſelf unjuſt, immoral, or wicked, can ever be juſtified or excuſed by, or under pretence or colour, that it was done either for the good of the church, or in obedience to any eccleſiaſtical power whatſoever.*

3d. We further declare, that we hold it as an unchriſtian and impious principle, that "no faith is to be kept with heretics." This doctrine we deteſt and reprobate, not only as *contrary* to our religion, but as deſtructive of morality, of ſociety, and even of common honeſty; and it is our firm belief, that an oath made to *any* perſon, not of the Catholic religion, is equally binding, as if it were made to any Catholic whatſoever.

4th. We have been charged with holding as an article of our belief, that the pope, with or without the authority of a general council, or that certain eccleſiaſtical powers can acquit and abſolve us, before God, from our oath of allegiance, or

even

even from the juſt oaths and contracts entered into between man and man.

Now we do utterly renounce, abjure, and deny, that we hold or maintain any ſuch belief, as being contrary to the peace and happineſs of ſociety, inconſiſtent with morality, and above all, *repugnant to the true ſpirit of the Catholic religion.*

5th. We do further declare, that we do not believe that the pope of Rome, or any other prince, prelate, ſtate, or potentate, hath, or ought to have, any temporal or civil juriſdiction, power, ſuperiority, or pre-eminence, directly or indirectly, within this realm.

6th. After what we have renounced, it is immaterial, in a political light, what may be our opinion or faith in other points reſpecting the Pope: however, for greater ſatisfaction we declare, that it is *not* an article of the Catholic faith, neither are we thereby required to believe or profeſs, "that the Pope is infallible," or that we are bound to obey any order, in its own nature immoral, though the Pope, or any eccleſiaſtical power, ſhould iſſue or direct ſuch order; but, *on the contrary*, we hold, that it would be *ſinful* in us to pay any reſpect or obedience thereto.

7th. We further declare, that we do not believe that any ſin whatſoever committed by us can be forgiven at the mere will of any Pope, or of any prieſt, or of any perſon or perſons whatſoever; but, that *ſincere ſorrow for paſt ſins*, a firm and ſincere reſolution, as far as may be in our power, to reſtore our neighbour's property or character, if we have treſpaſſed on, or unjuſtly injured either; *a firm and ſincere reſolution to avoid future guilt*, and to atone to God, are *previous and indiſpenſable* requiſites to eſtabliſh a well-founded expectation of forgiveneſs; and that any perſon who receives abſolution

without theſe previous requiſites, ſo far from obtaining thereby any remiſſion of his ſins, incurs the additional guilt of violating a ſacrament.

8th. We do hereby ſolemnly diſclaim, and for ever renounce all intereſt in, and title to all forfeited lands, reſulting from any rights, or ſuppoſed rights, of our anceſtors, or any claim, title, or intereſt therein; nor do we admit any title, as a foundation of right, which is *not eſtabliſhed and acknowledged by the laws of the realm, as they now ſtand.* We deſire further, that whenever the patriotiſm, liberality, and juſtice of our countrymen, ſhall reſtore to us a participation in the elective franchiſe, no Catholic ſhall be permitted to vote at any election for members to ſerve in parliament, until he ſhall previouſly take an oath *to defend, to the utmoſt of his power,* the arrangement of property in this country, *as eſtabliſhed by the different acts of attainder and ſettlement.*

9th. It has been objected to us, that we wiſh to ſubvert the preſent church eſtabliſhment, for the purpoſe of ſubſtituting a Catholic eſtabliſhment in its ſtead: Now we do hereby diſclaim, diſavow, and ſolemnly abjure any ſuch intention; and further, if we ſhall be admitted into any ſhare of the conſtitution, by our being reſtored to the right of elective franchiſe, we are ready, in the moſt ſolemn manner, to declare, that we will not exerciſe that privilege to diſturb and weaken the eſtabliſhment of the Proteſtant religion, or Proteſtant government in this country.

Though this declaration did not produce any change of conduct on the part of the Engliſh government at that time, its failure can only be attributed to the obſtinacy with which the principle of

of governing Ireland, upon the ſyſtem of ſeparate intereſts between the Proteſtants and Catholics, was adhered to. That ſyſtem is now happily expoſed; and though of late attempted to be revived by his Majeſty's preſent Miniſters, the intelligence and liberality of the preſent race of Iriſh Proteſtants has completely counteracted their factious deſigns. This declaration, though at firſt ineffectual, has, and muſt continue to open the eyes of mankind to the true character of the Iriſh Catholic, and to ſecure to them the reward which it deſerves, the unlimited confidence of their King and fellow-ſubjects, and the entire reſtoration of their conſtitutional rights. The ſentiments contained in it are thoſe of true and ſound Chriſtianity, benevolence, and humanity. It is impoſſible that any perſon capable of breathing them can be a bad Chriſtian, a bad ſubject, or a bad man.

In the year 1759, when it was known that a French force, under the command of Conflans, was collected to invade Ireland, the conduct of the Catholics on this, as it had uniformly been on ſimilar occaſions, was loyal in the extreme. Mr. O'Connor, Dr. Curry, and Mr. Wyſe had

ſometime before, in 1757, ſucceeded in eſtabliſhing a general committee of the Catholic body, formed by delegates of pariſhes and the principal Catholic nobility and gentry. As ſoon as this invaſion was announced to parliament by a meſſage from the Duke of Bedford, this committee was ſummoned to meet; and Mr. O'Connor having ſubmitted to it the following addreſs to the Lord Lieutenant, it was unanimouſly approved of.

May it pleaſe your Grace,

We, his Majeſty's dutiful and faithful ſubjects, the Roman Catholic gentlemen, merchants, and citizens of Dublin, do, with the greateſt reſpect, approach the illuſtrious repreſentative of the beſt of Kings, with our hearty congratulations on thoſe glorious ſucceſſes, by ſea and land, which have attended his Majeſty's arms, in the proſecution of this juſt and neceſſary war.

We gratefully acknowledge the lenity extended to us by his moſt ſacred Majeſty, and by his royal father, of happy memory. Our allegiance, may it pleaſe your Grace, is confirmed by affection and gratitude; our religion commands it; and it ſhall be our invariable rule firmly and inviolably to adhere to it.

We are called to this duty, at the preſent time in particular, when a foreign enemy is meditating deſperate attempts to interrupt

terrupt the happineſs and diſturb the repoſe, which theſe kingdoms have ſo long enjoyed, under a Monarch, who places his chief glory in proving himſelf the common father of all his people: and we ſincerely aſſure your Grace, that we are ready and willing, to the utmoſt of our abilities, to aſſiſt in ſupporting his Majeſty's government againſt all hoſtile attempts whatſoever.

Whenever, my Lord, it ſhall pleaſe the Almighty, that the legiſlative power of this realm ſhall deem the peaceable conduct of his Majeſty's Catholic ſubjects of Ireland, for many years paſt, an object worthy of its favourable attention, we humbly hope means may then be deviſed, to render ſo numerous a body more uſeful members to the community, and more ſtrengthening friends to the ſtate, than they could poſſibly have hitherto been, under the reſtraint of the many penal laws againſt them. We moſt humbly beſeech your Grace to repreſent to his Majeſty theſe ſentiments and reſolutions of his Majeſty's faithful ſubjects, the Roman Catholics of this metropolis, who ſincerely wiſh, that a peace honourable to his Majeſty, and advantageous to his kingdoms, may be the iſſue of the preſent war; and that the people of Ireland may be long governed by your Grace, a Viceroy, in whom wiſdom, moderation, and juſtice, are ſo eminently conſpicuous.

On that occaſion, alſo, the wealthy individuals of this perſuaſion offered to accommodate the government with large ſums of money, in caſe of neceſſity, to ſupport the Proteſtant eſtabliſhment againſt all its enemies; and the Catholics

Catholics of the city of Cork, in a body, preſented an addreſs to the Lord Lieutenant, expreſſing their loyalty in the warmeſt terms of aſſurance. They profeſſed the warmeſt indignation at the threatened invaſion of the kingdom, by an enemy vainly flattered with the imaginary hope of aſſiſtance in Ireland, from the former attachments of their deluded predeceſſors. They aſſured his Grace that ſuch ſchemes were altogether inconſiſtent with their principles and intentions; and that they would, to the utmoſt exertion of their abilities, with their lives and fortunes, join in the defence and ſupport of his Majeſty's royal perſon and government, againſt all invaders whatſoever.*

Theſe circumſtances are proofs of no ordinary fidelity in the Iriſh Catholics to the Houſe of Brunſwick. They were, however, of no avail in mitigating the rigour of the magiſtracy in the execution of the penal laws, or in inducing the Britiſh government to repeal any part of them; for the reign of George II. cloſed without any grateful acknowledgment being made

* Smollet's Hiſtory of England, 4. 69.

made to them for the ſteadineſs with which they reſiſted the temptation that was held out to them in 1745 and 1759 to ſupport the claims of a Catholic pretender to the throne of Great Britain.

GEORGE

GEORGE III.

Notwithſtanding the firſt meaſure of this reign, the royal recommendation to Parliament to make the judges independent of the Crown, beſpoke the determination of his Majeſty to reſpect the feelings and confirm the rights and liberties of his ſubjects; ſtill the unfortunate Catholics of Ireland were doomed to ſuffer under new pains and penalties.

In the year 1776, an act of Parliament was paſſed,* by which one or more juſtices of the peace, and all ſheriffs and chief magiſtrates of cities and towns corporate, within their reſpective juriſdictions, may from time to time, as well by night as by day, ſearch for and ſeize all arms and ammunition belonging to any Papiſt not entitled to keep the ſame, or in the hands of any perſon in truſt, for a Papiſt; and for that purpoſe enter any dwelling-houſe, out-houſe, office, field

* 15th and 16th Geo. III. c. 21. § 15.

field or other place belonging to a Papiſt, or to any other perſon where ſuch magiſtrate has reaſonable cauſe to *ſuſpect* any ſuch arms or ammunition ſhall be concealed; and *on ſuſpicion*, after ſearch, may ſummon and examine on oath, the perſon *ſuſpected* of ſuch concealment.

By the 17th clauſe of this act, Papiſts refuſing to deliver up or declare ſuch arms as they, or any with their privity, have, or hindering the delivery, or refuſing to diſcover on oath, or without cauſe neglecting to appear on ſummons to be examined before a magiſtrate concerning the ſame, ſhall, on conviction, be puniſhed by fine and impriſonment, or *ſuch corporeal puniſhment of pillory or whipping*, as the Court ſhall in their diſcretion think proper.

In the year 1782, a clauſe was introduced into an act,* by which no perſon ſhall be admitted into the Society of King's Inns as a ſtudent, who ſhall not, at the time of his admiſſion, be a Proteſtant.

* 21ſt and 22d Geo. III. c. 32. § 2.

In the ſame year, an act* was paſſed, by the 3d clauſe of which, all ſtatutes made in England or Great Britain, and all ſuch clauſes and proviſions contained in any ſtatute there made, as relate to the taking any oath or oaths, or making or ſubſcribing any declaration in Ireland, or to any penalty or diſability for omitting the ſame, ſhall be accepted, uſed, and executed in Ireland.

This act referred to: 1ſt, the Engliſh act of 3d William and Mary, c. 2. ſect. 1, 4, 5, 6, 7, by which the oath of ſupremacy mentioned in 2, Eliz. 1. c. 1, is abrogated, and a new oath of ſupremacy is required to be taken by all perſons admitted in Ireland to hold any civil or military office, and by members of both Houſes of Parliament; 2dly, to the Engliſh act of 1ſt Anne, ſtat. 2. c. 17. requiring all perſons to take the oath of abjuration, preſcribed by the Engliſh acts of 13th Wm. III. c. 6. and 1ſt Anne, ſt. 1. c. 22d: 3dly, to the Engliſh act of 6th Geo. III. c. 53. § 2. declaring that from the 1ſt Auguſt, 1776, the oath of abjuration, by this act appointed to be taken

* 21st and 22d Geo. III. c. 48. § 3.

taken in Great Britain, ſhall be the oath of abjuration, to be taken in Ireland.

Though this clauſe of the 21ſt and 22d of Geo. III. c. 48. has attracted very little public attention, it was of no leſs import than that of being the firſt legal excluſion of Catholics from ſitting in the Iriſh Parliament. They had been excluded *de facto* by their voluntary ſubmiſſion to the Engliſh act of 3d William and Mary, but not *de jure* till this act of 21ſt and 22d Geo. III. rendered the act of William and Mary, binding in Ireland.

This circumſtance, which has always been overlooked, even by the Catholics themſelves, proves how readily they have been inclined at all times to ſubmit to the authority of Government. And it alſo proves how unfounded thoſe arguments are, which maintain that the excluſion of the Catholics of Ireland from Parliament, is a principle on which the family of his Majeſty was placed upon the throne. It completely overturns the ſyſtem of erroneous reaſoning concerning the coronation oath, which of late has been ſo common; and, ſo

far as the meaning of this oath is at iſſue, it reduces the queſtion to this ſimple point, whether the King can conſcientiouſly place the Catholics of Ireland in the ſame condition, with reſpect to ſitting in Parliament, in which they had continued till the twenty-ſecond year of his own reign.

In 1785 an act was paſſed * for granting 4000l. to be expended in apprentice fees, to ſuch tradeſmen or manufacturers, as ſhould take children from charter-ſchools or the Foundling Hoſpital; but it was expreſsly provided that the children ſhould be bound to none but Proteſtant tradeſmen and manufacturers.

The whole code of the penal ſtatutes againſt the Catholics of Ireland is now laid before the view of the reader, under which they ſo long and ſo patiently languiſhed; ſtatutes unexampled for their inhumanity, their unwarrantableneſs and their impolicy, which were adopted to exterminate a race of men already cruſhed and broken by the longeſt ſeries of calamities which one nation had

* 25th of George III. c. 48. § 11 and 12.

had ever the opportunity of inflicting upon another. They were framed againſt Chriſtians under the pretence of ſecuring religion; they were the work of Proteſtants, than whom no ſect has cried out more loudly againſt perſecution when Proteſtants were the martyrs. They were ſanctioned by a nation who owed its liberties, and by monarchs who owed their throne, to a ſolemn covenant that they ſhould never exiſt. Here may we not inquire, if the Engliſh nation, legiſlature, and King, have not a duty to fulfil towards the Iriſh Catholics even greater than that of juſtice—a duty of compunction, of repentance, and atonement? The faith of a ſolemn treaty made with them has been broken: it is not enough that it has been in part re-eſtabliſhed, it ought to be religiouſly fulfilled. They have been ruled with tyranny: it is not enough that the tyranny ſhould be relaxed, it ſhould ceaſe altogether. They have been driven from the pale of the Conſtitution: it is not enough that they ſhould be allowed to paſs its barriers, they ſhould range free and uncontrouled through all its rights.

That

That this ſyſtem of ſlow political torture, was not warranted by any alleged delinquency on their part is notorious, for it was deviſed and perfected in times of profound tranquility. That they were not deſerving even of the ſuſpicion of being diſloyal ſubjects, is proved by their ſignal forbearance, which has preſerved the empire from the calamitous conſequences of ſuch flagitious miſgovernment; and that, on the contrary, they fully merited the confidence and protection of the legiſlature, no fair and candid mind can deny, when it gives to their conduct, in ſtrictly adhering to the ſtipulations of the treaty of Limerick, and to their allegiance to the Houſe of Brunſwick, the juſt value to which it is entitled.

Having now reached the utmoſt point to which the penal ſtatutes extended, which ſeems to be as far as human invention, quickened by mixed feelings of alarm, of bigotry and of pride, could go, we ſhould deprive political ſcience of a great ſource of concluſive demonſtration, if we neglected to record its effects.

But

But there is even a nearear intereſt in this examination. At a period when the ſtate of Ireland ſo much occupies the attention of the Legiſlature and of the public; when it is admitted on all ſides, that the proſperity and ſecurity of England herſelf muſt riſe or fall with the proſperity and ſecurity of Ireland; and when the events of each ſucceeding day prove the abſolute neceſſity of ſome meaſures to ameliorate her condition, and that things cannot go on, as they are, without the inevitable deſtruction of the Britiſh empire; it will be of great importance to be able to form an accurate opinion upon the effects which were the reſult of the penal ſtatutes. If it can be proved that the paſt and preſent ſtate of diſcontent and poverty, which has been, and ſtill is, the characteriſtic of Ireland, is the natural conſequence of theſe laws, then no man can diſpute the policy of ſeeking the remedy of it by the total repeal of them. If, on the other hand, no ſuch proof can be brought forward, and it ſhall appear that theſe laws are not the origin of Iriſh diſcontent and poverty, then indeed it will be the duty of every one to accede to the doctrines of thoſe more able ſtateſmen, who

ſolve

ſolve the difficulty, by ſuppoſing, what has been aſſerted of the negro race, that the Iriſh are an inferior, ſemibrutal people, ſubmitted, by the neceſſity of nature, to a ſtate of ſlavery, and unfit to be admitted to the privileges of Engliſhmen.

It appears from unqueſtionable authority, that, during the interval that elapſed between the ſurrender of Limerick, and the total infraction of the treaty in 1704, by the act to prevent the further growth of Popery, the toleration which the Catholics experienced by virtue of that treaty, produced its natural conſequences. The ſecurity they enjoyed, reſtored induſtry and plenty of all things: uſeful arts were introduced; the land cultivated; and a fine iſland, reduced to a deſert by the late war, ſoon aſſumed a new face. In fact, Ireland was never happier than during this interval of religious toleration.* Of the effects of the penal laws in entirely reverſing this order of things, Lord Taffe, in his valuable tract on Iriſh Affairs, gives the following deſcription. "Thoſe penalties and interdicts (by the laws of "Anne) had their natural effects in the diſpeo-

"pling

* Obſervations on the Affairs of Ireland, by Lord Taaffe, p. 4.

" pling greatly the three fine provinces, wherein " the bulk of Catholics reſide. They took their " effect in putting a ſtop to the cultivation began " in King William's reign. No ſooner were the " Catholics excluded from durable and profitable " tenures, than they commenced graziers, and " laid aſide agriculture: they ceaſed from drain- " ing and encloſing their farms, and building " good houſes, as occupations unſuited to the " new part aſſigned them in our national economy. " They fell to waſting the lands they were vir- " tually forbid to cultivate, the buſineſs of paſ- " turage being compatible with ſuch a conduct, " and requiring alſo little induſtry and leſs labour " in the management."*

In the year 1723, the wretchedneſs of the people of Ireland was ſo great, that the Duke of Grafton, in a ſpeech from the throne, recommended parliament to take meaſures for relieving them. The diſtreſs, however, continued; and in a petition preſented to the Houſe of Commons, in the ſame year, by the woollen manufacturers, they ſay, " The woollen manufacture of this

 " kingdom,

* Ibid. p. 11.

"kingdom, which is confined to our own con-
"ſumption, has of late been ſo conſiderably leſſen-
"ed, that ſeveral thouſand families have been for-
"ced to beg alms and charity of good chriſtians;
"and that a collection had lately been made
"throughout the whole city to relieve them."*

Primate Boulter, in a letter of the 25th of March, 1722, to the Duke of Newcaſtle, bears teſtimony to this wretched ſtate of Ireland; he ſays, "Since I came here in the year 1725,
"there was almoſt a famine among the poor;
"laſt year the dearneſs of corn was ſuch, that
"thouſands of families quitted their habitations,
"to ſeek bread elſewhere, and many hundreds
"periſhed:"† again on the 23d of November, 1728, he ſays, in writing to the Duke, "I am
"ſorry I am obliged to give your Grace ſo melan-
"choly an account of the ſtate of the kingdom,
"as I ſhall in this letter."

But one of the moſt pernicious effects of theſe penal laws was the emigration of the principal Catholic families to the Continent. They carried with

* Com. Jour. v. 3. p. 24. † Letters, p. 226.

with them the greater part of thoſe qualifications, which render a country civilized, tranquil and proſperous; they left the maſs of the Catholic population, without the influence of men of education and property, to direct and controul their conduct; and in the place of ſecuring their own country, they filled, with the higheſt credit to themſelves, the ſituations of ſtateſmen and generals, in thoſe nations which were hoſtile to the intereſts of Great Britain.

Of the effect theſe laws had exhibited, in their avowed objects of propagating the Proteſtant religion, and promoting the national proſperity, it is impoſſible to give a more able or a more accurate deſcription than the following, by Mr. Arthur Young, who was in Ireland at the period we now treat of:* "While property lay expoſed "to the practices of power, the great body of "the people, who had been ſtripped of their "all, were more enraged than converted: they "adhered to the perſuaſion of their forefathers, "with the ſteadieſt and moſt determined zeal; "while the prieſts, actuated by the ſpirit of a "thouſand inducements, made proſelytes among

 "the

* 1778.

" the common Proteſtants, in defiance of every " danger. And the great glaring fact yet " remains, and is even admitted by the warmeſt " advocates for the laws of diſcovering that the " eſtabliſhed religion has not gained upon the " Catholic in point of numbers, but on the " contrary, that the latter has been rather on the " increaſe. Public liſts have been returned from " the ſeveral dioceſes which confirm this fact; " and the intelligence I received on my journey " ſpoke the ſame language.

" As it is the great body of the common " people that forms the ſtrength of a country, " when willing ſubjects, and its weakneſs when " ill-affected, this fact is a deciſion of the queſ- " tion: After 70 years undiſturbed operation, " the ſyſtem adopted in Queen Anne's reign " has failed in this great aim, and meets at this " day with a more numerous and equally de- " termined body of Catholics, than it had to " oppoſe when firſt promulgated. Has not the " experience of every age and every nation, " proved that the effect is invariable and uni- " verſal? Let a religion be what it may, and

" under

" under whatever circumſtances, no ſyſtem of " perſecution ever yet had any other effect, than to " confirm its profeſſors in their tenets, and ſpread " their doctrines, inſtead of reſtraining them. " The great plea of the Roman Catholic prieſts, " and their merit with their congregations, are the " dangers they hazard, and the perſecutions they " ſuffer for the ſake of their faith; arguments " that had and ever will have weight, while " human nature continues formed of its preſent " materials.

" But if theſe exertions of a ſucceſſion of " ignorant legiſlatures have failed continually " in propagating the religion of government, " much more have they failed in the great " object of natural proſperity. The only con- " ſiderable manufacture in Ireland, which carries " in all parties the appearance of induſtry, is " the linen, and it ought never be forgotten " that this is ſolely confined to the Proteſtant " parts of the kingdom. The poor Catholics " in the ſouth of Ireland ſpin wool generally, " but the purchaſers of their labour, and the " whole worſted trade, is in the hands of the Quakers

" Quakers of Clonmel, Carrick and Bandon, &c.
" The fact is, the profeſſors of that religion
" are under ſuch diſcouragements, that they can-
" not engage in any trade which requires both
" induſtry and capital. If they ſucceed and
" make a fortune, what are they to do with it?
" They can neither buy land, nor take a mort-
" gage, nor even fine down the rent of a leaſe.
" Where is there a people in the world to be
" found induſtrious under ſuch circumſtances?

" It is no ſuperficial view I have taken of this
" matter in Ireland; and being at Dublin at the
" time a very trifling part of theſe laws was
" agitated in parliament, I attended the debates,
" with my mind open to conviction, and an
" auditor for the mere purpoſes of information.
" I have converſed on the ſubject with moſt diſ-
" tinguiſhed characters of the kingdom, and I
" cannot after all but declare that the ſcope, pur-
" port, and aim of the laws of diſcovery, as
" executed, are not againſt the Catholic religion,
" which increaſes under them, but againſt the
" induſtry and property of whoſoever profeſſes
" that religion. In vain has it been ſaid, that

" conſequence

" conſequence and power follow property, and " that the attack is made in order to wound the " doctrine through its property. If ſuch was the " intention, I reply, that ſeventy years expe- " rience prove the folly and futility of it. Thoſe " laws have cruſhed all the induſtry, and " wrefted moſt of the property from the " Catholics; but the religion triumphs; it is " thought to increaſe. Thoſe who have headed " about calculations to prove a decreaſe, admit " on the face of them, that it will require " 4000 YEARS to make converts of the whole, " ſuppoſing the work to go on in future, as it " has in the paſt time. But the whole pretence " is an affront to common ſenſe, for it implies, " that you will leſſen a religion, by perſecuting " it: all hiſtory and experience condemn ſuch a " propoſition.

" The ſyſtem purſued in Ireland has had no " other tendency but that of driving out of " the kingdom all the perſonal wealth of the " Catholics, and prohibiting their induſtry within " it. The face of the country, every object, " in ſhort, which preſents itſelf to the eye of a

" traveller,

"traveller, tells him how effectually this has "been done. I urge it not as an argument, "the whole kingdom ſpeaks it as a fact. We "have ſeen that this conduct has not converted "the people to the religion of government; and "inſtead of adding to the internal ſecurity, it "has endangered it: if therefore it does not add "to the national proſperity, for what purpoſe, "but that of private tyranny, could it have "been embraced and perſiſted in? Miſtaken "ideas of private intereſt account for the actions "of individuals; but what could have influenced "the Britiſh government to permit a ſyſtem "which muſt inevitably prevent the iſland from "even becoming of the importance which nature "intended?"*

Of the ſtate of the agriculture of Ireland at this period, a tolerable accurate idea may be formed from the words of the ſame author.— "I have reaſon to believe that five pounds ſterling "per Engliſh acre, expended all over Ireland, "which amounts to 88,341,136l. would not more "than build, fence, plant, drain and improve that "country,

* Young's Tour, vol. 2. 135. Eng. Ed.

"country, to be upon a par in thoſe reſpects with "England."* The prices alſo of the produce of land, afford proof of the general poverty of the kingdom. In 1778, butter ſold for 5¾d. per lb.—mutton, 2¾d.—beef, 2½d.—pork, 2¼d.—veal, 3½d.—a fat turkey for 10¾d.—a gooſe for 8½d. —and a chicken for 2½d.

If further evidence were wanting to eſtabliſh the fact of the penal laws having impoveriſhed Ireland, it is to be found in the following confeſſion of the late Lord Clare. "It was impoſ- P.61 "ſible," ſays he, "that any country could conti- "nue to exiſt under a code of laws, by which a "majority of its inhabitants were cut off from the "rights of property. It was a code highly inju- "rious to the landed intereſt of Ireland, and in- "evitably diminiſhed the value of every man's "eſtate, who voted for it."

From theſe ſeveral authorities upon the ſtate of Ireland in 1778, much information may be collected concerning the cauſes of many of thoſe peculiar circumſtances which, at this day, belong to

 that

* Young's Tour, App.

that country. If it is aſked, why the people of Ireland are ſo illiterate? The anſwer that preſents itſelf is, look to the penal laws, that deprived them, till a late period, of education. If it is aſked, why they are poor? The ſame anſwer muſt be given, look to the penal laws. If it is aſked, why the lower orders eat vegetables only, and live in hovels? Still the ſame anſwer, look to the penal laws. If it is aſked, why there is no claſs of yeomanry in Ireland like that in England? The anſwer is, becauſe the penal laws prohibited induſtry, and deprived the former of his property in land as faſt as he could accumulate it. If it is aſked, why the people are diſcontented and diſlike England? This anſwer only can be given, becauſe from England they received this penal code, under which they have endured, for above a century, every ſpecies of calamity, contrary to the poſitive ſtipulations of a ſacred and ſolemn treaty. If, in this era of civilized Europe, Ireland is more backward, its people leſs poliſhed, its wealth leſs extenſive, and its general character below the rank of other countries, it is not now poſſible to miſtake the cauſe. And when all agree that this cauſe is the penal code againſt the Catholics, what

reaſoning

reaſoning can contend againſt the propoſition, that all the laws muſt be repealed in order to remedy the preſent diſtempered condition of Ireland?

It was in the year 1774, that the Iriſh Legiſlature paſſed the firſt act towards conciliating the Catholics, "an act to enable his Majeſty's ſubjects, "of whatever perſuaſion, to teſtify their allegiance "to him."* Which is as follows:

Whereas many of his Majeſty's ſubjects in this kingdom are deſirous to teſtify their loyalty and allegiance to his Majeſty, and their abhorrence of certain doctrines imputed to them, and to remove jealouſies which hereby have for a length of time ſubſiſted between them, and others his Majeſty's loyal ſubjects; but upon account of their religious tenets are, by the laws now in being, prevented from giving public aſſurances of ſuch allegiance, and of their real principles, and good will, and affection towards their fellow ſubjects; in order therefore to give ſuch perſons an opportunity of teſtifying their allegiance to his Majeſty, and good will towards the preſent Conſtitution of this kingdom, and to promote peace and induſtry amongſt the inhabitants thereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that from and after the firſt day of June one thouſand ſeven hundred and ſeventy-four, it ſhall and may be lawful for any perſon profeſſing the Popiſh religion, to go before the Judges of his Majeſty's Court of King's Bench, any juſtice

* 13th and 14th Geo. III. c. 35.

of the peace for the county in which he does or ſhall reſide, or before any magiſtrate of any city or town corporate wherein he does or ſhall reſide, and there take and ſubſcribe the oath of allegiance and declaration herein after-mentioned; which oath and declaration ſuch judges of the King's Bench, juſtices of the peace, and magiſtrates, are hereby enabled and required to adminiſter:

"I A. B. do take Almighty God, and his only Son Jeſus Chriſt my Redeemer, to witneſs, that I will be faithful and bear true allegiance to our moſt gracious Sovereign Lord King George the Third, and him will defend to the utmoſt of my power againſt all conſpiracies and attempts whatever, that ſhall be made againſt his perſon, crown, and dignity; and I will do my utmoſt endeavour to diſcloſe and make known to his Majeſty, and his heirs, all treaſons and traitorous conſpiracies which may be formed againſt him or them; and I do faithfully promiſe to maintain, ſupport, and defend, to the utmoſt of my power, the ſucceſſion of the Crown in his Majeſty's family, againſt any perſon or perſons whatſoever; hereby utterly renouncing and abjuring any obedience or allegiance unto the perſon taking upon himſelf the ſtile and title of Prince of Wales in the life-time of his father, and who ſince his death is ſaid to have aſſumed the ſtile and title of King of Great Britain and Ireland, by the name of Charles the Third, and to any other perſon claiming or pretending a right to the Crown of theſe realms; and I do ſwear, that I do reject and deteſt, as unchriſtian and impious to believe, that it is lawful to murder or deſtroy any perſon or perſons whatſoever for or under pretence of their being hereticks; and alſo that unchriſtian and impious principle, that no faith is to be kept with hereticks; I further declare, that it is no article of my faith, and that I do renounce, reject, and abjure the opinion, that Princes excommunicated by the Pope and Council, or by any authority of the ſee of Rome, or by any authority

thority whatſoever, may be depoſed and murdered by their ſubjects, or by any perſon whatſoever; and I do promiſe, that I will not hold, maintain, or abet any ſuch opinion, or any other opinion contrary to what is expreſſed in this declaration; and I do declare that I do not believe that the Pope of Rome, or any other foreign Prince, Prelate, State, or Potentate, hath or ought to have any temporal or civil juriſdiction, power, ſuperiority, or pre-eminence, directly or indirectly, within this realm; and I do ſolemnly, in the preſence of God, and of his only Son Jeſus Chriſt my Redeemer, profeſs, teſtify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary ſenſe of the words of this oath, without any evaſion, equivocation, or mental reſervation whatever, and without any diſpenſation already granted by the Pope, or any authority of the See of Rome, or any perſon whatever; and without thinking that I am or can be acquitted before God or man, or abſolved of this declaration, or any part thereof, although the Pope, or any other perſon or perſons, or authority whatſoever, ſhall diſpenſe with, or annul the ſame, or declare that it was null and void from the beginning.

"So help me God."

And be it enacted by the authority aforeſaid, that the officer of the Court of King's Bench, juſtices of the peace, and magiſtrates of the city and towns corporate, ſhall yearly, within twenty-one days after the firſt of December, return to the Clerk of the Privy Council of this kingdom, or his deputy, a true and perfect liſt, under his or their hand, of every ſuch Papiſt as ſhall in the courſe of the preceding year have taken and ſubſcribed ſuch oath, in which liſt the quality, condition, title, and place of abode of ſuch Papiſt ſhall be ſpecified.

About

About the ſame time, fearing that their grievances were not known to his Majeſty, the Catholics prepared a Petition; which was preſented to Lord Buckinghamſhire by Lord Fingal, Mr. Preſton and Mr. Dermot, in order that it might be tranſmitted by him to the King.*

To the King's moſt Excellent Majeſty, the humble Addreſs and Petition of the Roman Catholics of Ireland.

Moſt Gracious Sovereign,

We your Majeſty's moſt dutiful ſubjects, the Roman Catholics of your kingdom of Ireland, with hearts full of loyalty, but overwhelmed with affliction, and depreſſed by our calamitous and ruined circumſtances, beg leave to lay at your Majeſty's feet ſome ſmall part of thoſe numerous and inſupportable grievances under which we have long groaned, not only without any act of diſobedience, but even without murmur or complaint; in hopes that our inviolable ſubmiſſion, and unaltered patience under thoſe ſevere preſſures, would fully confute the accuſation of ſeditious principles, with which we have been unfortunately and unjuſtly charged.

We are deeply ſenſible of your Majeſty's clemency, in moderating the rigorous execution of ſome of the laws againſt us: but we humbly beg leave to repreſent, that ſeveral, and thoſe the moſt ſevere and diſtreſſing of thoſe laws, *execute themſelves with the moſt fatal certainty*, and that your Majeſty's clemency cannot, in the ſmalleſt degree, interpoſe for their

* This address was written by Mr. Burke.

their mitigation, otherwiſe your Roman Catholic ſubjects would moſt chearfully acquieſce in that reſource, and reſt with an abſolute and unbounded aſſurance, on your Majeſty's princely generoſity, and your pious regard to the rights of private conſcience.

We are, may it pleaſe your Majeſty, a numerous and very induſtrious part of your Majeſty's ſubjects, and yet by no induſtry, by no honeſt endeavours on our part, is it in our power to acquire or to hold, almoſt any ſecure or permanent property whatſoever; we are not only diſqualified to purchaſe, but are diſabled from occupying any land even in farm, except on a tenure extremely ſcanted both in profit and in time; and if we ſhould venture to expend any thing on the melioration of land thus held, by building, by incloſure, by draining, or by any other ſpecies of improvement, ſo very neceſſary in this country; ſo far would our ſervices be bettering our fortunes, that theſe are preciſely the very circumſtances, which, as the law now ſtands, muſt neceſſarily diſquality us from continuing thoſe farms, for any time in our poſſeſſion.

Whilſt the endeavours of our induſtry are thus diſcouraged, (no leſs, we humbly apprehend, to the detriment of the national proſperity and the diminution of your Majeſty's revenue, than to our particular ruin) there are a ſet of men, who, inſtead of exerciſing any honeſt occupation in the commonwealth, make it their employment to pry into our miſerable property, to drag us into the courts, and to compel us to confeſs on our oaths, and under the penalties of perjury, whether we have, in any inſtance, acquired a property in the ſmalleſt degree exceeding what the rigour of the law has admitted; and in ſuch caſe the informers, without any other merit than that of their diſcovery, are inveſted (to the daily ruin of ſeveral innocent, induſtrious families) not only with the ſurplus

in

in which the law is exceeded, but in the whole body of the eſtate, and intereſt ſo diſcovered, and it is our grief that this evil is likely to continue and increaſe, as informers have, in this country, almoſt worn off the infamy, which in all ages, and in all other countries, has attended their character, and have grown into ſome repute by the frequency and ſucceſs of their practices.

And this, moſt gracious Sovereign, though extremely grievous, is far from being the only or moſt oppreſſive particular, in which our diſtreſs is connected with the breach of the rules of honour and morality. By the laws now in force in this kingdom, a ſon, however undutiful or profligate, ſhall, merely by the merit of conforming to the eſtabliſhed religion, deprive the Roman Catholic father of that free and full poſſeſſion of his eſtate, that power to mortgage or otherwiſe diſpoſe of it, as the exigencies of his affairs may require; but ſhall himſelf have full liberty immediately to mortgage or otherwiſe alienate the reverſion of that eſtate, from his family for ever; a regulation by which a father, contrary to the order of nature, is put under the power of his ſon, and through which an early diſſoluteneſs is not only ſuffered, but encouraged, by giving a pernicious privilege, the frequent uſe of which has broken the hearts of many deſerving parents, and entailed poverty and deſpair on ſome of the moſt ancient and opulent families in this kingdom.

Even when the parent has the good fortune to eſcape this calamity in his life-time, yet he has at his death, the melancholy and almoſt certain proſpect of leaving neither peace nor fortune to his children; for by that law, which beſtows the whole fortune on the firſt conformiſt, or, on non-conformity, diſperſes it among the children, incurable jealouſies and animoſities have ariſen; a total extinction of principle and of natural

natural benevolence has enſued; whilſt we are obliged to conſider our own offspring and the brothers of our own blood, as our moſt dangerous enemies; the bleſſing of providence on our families, in a numerous iſſue, is converted into the moſt certain means of their ruin and depravation: we are, moſt gracious Sovereign, neither permitted to enjoy the few broken remains of our patrimonial inheritance, nor by our induſtry to acquire any ſecure eſtabliſhment to our families.

In this deplorable ſituation, let it not be conſidered, we earneſtly beſeech your Majeſty, as an inſtance of preſumption or diſcontent, that we thus adventure to lay open to your Majeſty's mercy, a very ſmall part of our uncommon ſufferings; what we have concealed under a reſpectful ſilence, would form a far longer, and full as melancholy a recital; we ſpeak with reluctance, though we feel with anguiſh; we reſpect from the bottom of our hearts that legiſlation under which we ſuffer; but we humbly conceive it is impoſſible to procure redreſs without complaint, or to make a complaint, that by ſome conſtruction may not appear to convey blame: and nothing, we aſſure your Majeſty, ſhould have extorted from us even theſe complaints, but the ſtrong neceſſity we find ourſelves under of employing every lawful, humble endeavour, leſt the whole purpoſe of our lives and labours ſhould prove only the means of confirming to ourſelves, and entailing on our poſterity, inevitable beggary, and the moſt abject ſervitude; a ſervitude the more intolerable, as it is ſuffered amidſt that liberty, that peace, and that ſecurity, which, under your Majeſty's benign influence, is ſpread all around us, and which we alone, of all your Majeſty's ſubjects, are rendered incapable of partaking.

In all humility we implore, that our principles may not be eſtimated by the inflamed charge of controverſial writers, nor

our practices meaſured by the events of thoſe troubled periods, when parties have run high (though theſe have been often miſrepreſented, and always cruelly exaggerated to our prejudice); but that we may be judged by our own actions, and in our own times; and we humbly offer it to your moſt equitable and princely conſideration, that we do not reſt the proof of our ſincerity on words, but on things; on our dutiful, peaceable, ſubmiſſive behaviour for more than fourſcore years: and though it will be conſidered as too ſevere to form any opinion of great bodies, by the practice of individuals, *yet if in all that time, amongſt all our people, in the daily increaſe of ſevere laws againſt us, one treaſonable inſurrection, or one treaſonable conſpiracy can be proved; if amongſt our clergy, one ſeditious ſermon can be ſhewn to have been preached;* we will readily admit that there is good reaſon for continuing the preſent laws in all their force againſt us; but if, on the contrary, (we ſpeak in full confidence), it can be ſhewn, that our clergy have ever exerted their utmoſt endeavours to enforce ſubmiſſion to your Majeſty's government, and obedience to your laws; if it can be ſhewn that theſe endeavours have always been moſt ſtrenuous in times of public danger, or when any accident tended to create a ferment amongſt the people; if our laity have frequently offered (what we are always ready to fulfil) to hazard their lives and fortunes for your Majeſty's ſervice; if we have willingly bound up the fruits of our diſcouraged induſtry with the fortune of your Majeſty's government in the public loans; then, we humbly hope, we may be admitted to a ſmall portion of mercy, and that that behaviour, which your Majeſty's benignity and condeſcenſion will eſteem a merit in our circumſtances, may entitle us, not to reward, but to ſuch toleration as may enable us to become uſeful citizens to our country, and ſubjects as profitable, as we are loyal to your Majeſty.

Permit

Permit us, moſt gracious Sovereign, on this occaſion, to reiterate the aſſurances of our unſhaken loyalty, which all our ſufferings have not been able to abate; of our ſincere zeal for your Majeſty's ſervice, of our attachment to the conſtitution of our country, and of our warmeſt gratitude for your Majeſty's continual indulgence, and for the late inſtance of favour we have experienced from Parliament, in enabling us, conſiſtent with our religious tenets, to give a legal proof of our ſentiments upon theſe points. And we humbly hope, that the alacrity and eagerneſs with which we have ſeized this firſt, though long wiſhed opportunity of teſtifying, in the moſt ſolemn and public manner, our inviolable fidelity to your Majeſty, our real principles, and our good-will and affection towards our fellow-ſubjects, will extinguiſh all jealouſies, and remove thoſe imputations, which alone have hitherto held us forth in the light of enemies to your Majeſty, and to the ſtate. And if any thing farther can be ſuggeſted or deviſed, whereby we can, by our actions, more fully evince our ſincerity, we ſhall conſider ſuch an opportunity of demonſtrating our real loyalty, as an high favour, and ſhall be deficient in no act whatever, which does not amount to a renunciation of that religious profeſſion which we value more than our lives, and which it cannot be ſuſpected we hold from obſtinacy or a contempt of the laws, ſince it has not been taken up by ourſelves, but has, from time immemorial, been handed down to us from our anceſtors.

We derive no ſmall conſolation, moſt gracious Sovereign, from conſidering, that the moſt ſevere and rigorous of the laws againſt us had been enacted before the acceſſion of your Majeſty's moſt illuſtrious Houſe to the Throne of theſe kingdoms: we therefore indulge the more ſanguine hopes, that the mitigation of them, and the eſtabliſhment of peace, induſtry, and univerſal happineſs, amongſt all your loyal ſubjects, may

be one of the bleſſings of your Majeſty's reign. *And though we might plead in favour of ſuch relaxation, the expreſs words of a ſolemn treaty, entered into with us, by your Majeſty's royal predeceſſor, King William, (which has been forfeited by no diſobedience on our part)*, yet we neither wiſh, nor deſire, to receive any thing, but as a mere act of your Majeſty's clemency, and of the indulgence and equity of your Parliament.

That this act of truly loyal beneficence and juſtice may be added to the other inſtances of your Majeſty's auguſt virtues, and that the deliverance of a faithful and diſtreſſed people may be one of thoſe diſtinguiſhing acts of your reign, which ſhall tranſmit its memory to the love, gratitude, and veneration, of our lateſt poſterity, is the humble prayer of, &c. &c.

In the year 1778,* an act paſſed "for the "relief of his Majeſty's ſubjects of this king-"dom, profeſſing the Popiſh religion." The preamble of which contains a confirmation of every thing that has been already advanced, concerning the loyalty of the Catholics, and a declaration on the part of the King and Parliament, concerning the policy of admitting the Catholics into a full participation of the bleſſings of the Conſtitution, which is a complete recognition of their right to enjoy them. It ſtates, "And "Whereas, from their uniform peaceable beha-"viour

* 17th and 18th of Geo. III. c. 49.

" viour for a long ſeries of years, it appears " reaſonable and expedient to relax the ſame, " (the laws of Anne); and it muſt tend not " only to the cultivation and improvement of this " kingdom, but to the proſperity and ſtrength of " all his Majeſty's dominions, *that his ſubjects of* " *all denominations, ſhould enjoy the bleſſings of a* " *free conſtitution, and ſhould be bound to each other* " *by mutual intereſt and mutual affection, &c.*"

By this act Papiſts, provided they take the oath of declaration of 13th and 14th of Geo. III. c. 35. are admitted to the following privileges.— They may take land on leaſes not exceeding 999 years, or determinable upon any number of lives not exceeding five.

The lands of Papiſts are to be deſcendable, deviſeable, and transferable, as fully as if the ſame were in the ſeizure of any other of his Majeſty's ſubjects.

Papiſts are rendered capable to hold and enjoy all eſtates which may deſcend, be deviſed or transferred to them.

No

No maintenance is to be hereafter granted to a conforming child of a Papiſt, out of the perſonal property of ſuch Papiſt, except out of ſuch leaſes as which may be taken under this act.

And the conformity of the eldeſt ſon is not to alter hereafter the Popiſh parents eſtate.

In the year 1782, another act paſſed "for "the further relief of his Majeſty's ſubjects "of this kingdom, profeſſing the Popiſh re-"ligion."*

The preamble of this act ſtates: "Whereas, "all ſuch of his Majeſty's ſubjects in this king-"dom, of whatever perſuaſion, as have here-"tofore taken and ſubſcribed, or ſhall hereafter "take and ſubſcribe, the oath of allegiance and "declaration preſcribed by an act paſſed in the "13th and 14th year of his preſent Majeſty's "reign, entitled an act to enable his Majeſty's "ſubjects, of whatever perſuaſion, to teſtify their "allegiance to him, ought to be conſidered as "good

* 21st and 22d Geo. III. c. 24.

" good and loyal ſubjects to his Majeſty, his " crown and government: and whereas a con- " tinuance of ſeveral of the laws formerly " enacted, and ſtill in force in this kingdom, " againſt perſons profeſſing the popiſh religion, " is therefore unneceſſary, in reſpect to thoſe " who have taken, or ſhall take the ſaid oath, " and is injurious to the real wealth and proſ- " perity of Ireland, therefore, &c.

By this act Catholics, provided they take this oath, may purchaſe or take lands, or any intereſt therein, except advowſons or boroughs returning members of Parliament, and diſpoſe of the ſame by will or otherwiſe; and Popiſh eccleſiaſtics, on the ſame condition, and regiſtering their name and abode, with the regiſter of the dioceſe, are diſcharged from all penalties.

This act repeals ſo much of 8th Anne, as ſubjects Papiſts to fine and impriſonment, on his refuſal to teſtify on oath before two juſtices of the peace, when and where he heard the Popiſh maſs celebrated, and the names of the perſons celebrating it; and ſo much of 7th Wm. III. c. 5.

as

as ſubjects any Papiſt, who ſhall have in his poſſeſſion any horſe of the value of 5l. or more, to the penalties therein mentioned; and ſo much of 8th Anne, as enables the Lord Lieutenant to ſeize any horſe belonging to a Papiſt, upon a proſpect of invaſion or rebellion. It alſo repeals ſo much of 9th Geo. II. c. 6. as enables grand juries to reimburſe ſuch perſons who have been robbed by privateers in time of war, for their loſſes, and to levy the ſame on the goods of Papiſts only; and ſo much of 6th Geo. I. c. 10. as ſubjects Papiſts, who ſhall not provide a Proteſtant watchman to watch in their turn, to certain penalties; and ſo much of 2d Anne, c. 6, as ſubjects Papiſts, who took any houſe, or came to dwell in Limerick, after the year 1703, or within the town of Galway, to certain penalties.

In the ſame year was likewiſe paſſed an act to allow perſons, profeſſing the Popiſh religion, to teach ſchool in this kingdom, and for regulating the education of Papiſts, and alſo to repeal parts of certain laws relative to the guardianſhip of their children.*

The

* 21st and 22d Geo. III. c. 62.

The preamble ſtates: "Whereas ſeveral of the "laws made in this kingdom, relative to the edu- "cation of Papiſts, or perſons profeſſing the "Popiſh religion, are conſidered as too ſevere, "and have not anſwered the deſired effect."

This act repeals ſo much of 7th Wm. III. c. 4. and 8th of Anne, c. 3. as ſubjects Catholics, who ſhall publicly teach ſchool, or privately inſtruct youth, to the like penalties as any Popiſh regular convict, provided they take the oaths of 13th and 14th of George III. c. 35; and it enables Catholics, except eccleſiaſtics, to be guardians.

Of the numerous individuals, who at this time diſtinguiſhed themſelves for their exertions in favour of the Catholics, there was no one to whom they were under greater obligations than to the late Mr. Burke. He wrote for them the Petition which was preſented to the King in 1774. In the Engliſh Houſe of Commons in 1778 he was the firſt to declare the neceſſity of conceſſions being made to them; he ſaid that "Ireland was "now the chief dependence of the Britiſh crown,

"and that it particularly behoved that country to "admit the Iriſh nation to the privileges of Bri- "tiſh citizens;"* and, in the year 1782, he wrote his celebrated letter to Lord Kenmare, in which he ſo ably expoſes the folly, injuſtice, and tyranny of the penal laws.

It certainly is a fact of no ſmall importance in favour of the wiſdom of unlimited conceſſion to the Catholics, that this great ſtateſman, the advocate for exiſting eſtabliſhments, and who was the firſt and moſt formidable opponent to the progreſs of the jacobinical principles of France, ſhould have adviſed it, and inceſſantly forwarded it by his powerful talents and extenſive influence.

But the Catholics were indebted, not only to the labours of their friends, but alſo to the great revolution which was going on at this period in America, for the ſucceſs of the firſt conceſſions that were made to them. This appears very evident, from the failure of an attempt which was made

* 8th Eng. Deb. p. 185, 1ſt April, 1778.

made by Mr. James Fitzgerald, a few months before the introduction of the act of 17. 18. Geo. III. to obtain for them a power to take leaſes for lands for 61 years. For, ſoon afterwards, when the intelligence arrived of the defeat of the Britiſh forces in America, the ſame Parliament, on the recommendation of the government, paſſed an act for enabling them to take land on leaſes for 999 years.

It was not, however, till the Britiſh government were obliged to tranſport the whole of the Britiſh army from Ireland to America, and thus leave it expoſed to the attacks of France, that the Catholics became of ſufficient importance in the eyes either of their own Proteſtant countrymen, or of the Britiſh government, to be attended to and careſſed by them. The only alternative then left for the Proteſtants to adopt, was either to promote a union of ſects in the common defence of the kingdom, or to make up their minds to fall an eaſy prey to the arms of France. Upon this principle of preſervation, by an oblivion of all paſt animoſities, the volunteers were embodied, and compoſed indiſcriminately of Catholics and

Proteſtants. But, in proportion as the danger of invaſion diminiſhed, they naturally turned their attention to the grievances that both ſects experienced at the hands of the Britiſh government, and ſoon became an armed aſſociation for the attainment of political rights.

In this appeal to arms, in open reſiſtance to the power of Great Britain, for the purpoſe of compelling her to grant to Ireland the independence of her legiſlature, and a reform of her Parliament, the Proteſtants took the lead. But the contention between them and the Britiſh government was not one of arms, becauſe Great Britain had no troops with which to diſpute with the volunteers, but one of political manœuvring. It was plain, that to which ever party the Catholics attached themſelves, victory would belong. The government, therefore, in order to ſecure them, paſſed the acts of 1778 and 1782; while the Proteſtants, on the other hand, endeavoured to conciliate them by public reſolutions and declarations in favour of their complete emancipation. The Dungannon convention, which met in February 1782, and was compoſed of the repreſentatives of

143 Proteſtant corps of volunteers, reſolved, with two diſſenting voices only, "that they held the "right of private judgment, in matters of religion, "to be equally ſacred in others as themſelves; "therefore, that, as Chriſtians and Proteſtants, "they rejoiced in the relaxation of the penal laws "againſt their Roman Catholic fellow-ſubjects, "and that they conceived the meaſure to be "fraught with the happieſt conſequences to the "union and proſperity of Ireland."

Theſe liberal declarations on the part of this meeting, and the general tenor of the conduct of the Proteſtants throughout Ireland towards the Catholics, ſecured their cordial concurrence, and the Britiſh Government were, at length, reluctantly obliged to concede the favourite object of an independent Iriſh legiſlature.

The Proteſtants now proceeded to attempt to carry their other great object, a parliamentary reform; and, after the ſenſe of the kingdom had been expreſſed, at various public meetings, to be decidedly in favour of it, they determined to hold a convention in Dublin, for the purpoſe of impreſſing

preſſing upon government and parliament the neceſſity of acceding to their demands.* In the mean time, a diviſion of opinion had manifeſted itſelf among ſome of the northern corps of volunteers on the Catholic queſtion, and Lord Charlemont and other perſons had declared themſelves hoſtile to further conceſſions. This circumſtance afforded the government an eaſy opportunity of defeating the object of the convention; they contrived to have a motion made for connecting the emancipation of the Catholics with the queſtion of parliamentary reform; and upon its being rejected by the convention, knowing that its power was not to be dreaded, if unſupported by the Catholic population, they deſpiſed its threats, and, by a manly oppoſition to their demands, they ſecured their diſperſion without tumult, and certainly without the regret of the advocates of ſuch a reform in Parliament as the general circumſtances of the country abſolutely required.

From this period, to the year 1790, the Catholic queſtion was not once agitated, either by the Catholics or by Parliament. In this year the attorney-

* This convention met in Dublin in 1784.

torney-general brought in a bill to explain and amend the act of 22d Geo. III. c. 62.

The intention of this act was to give to Catholics the power of appointing guardians to their children, but it was so carelessly drawn, that, upon consulting it, in the case of the will of the late Lord Gormanstown, by which he had appointed guardians to his son, it was discovered that they were not competent to act. The present bill was therefore introduced to remedy this defect.

A circumstance, which took place this summer shews, that this act of common justice was not, in any degree, the result of an inclination, on the part of government, to treat the Catholics with more than customary liberality: Lord Westmoreland, then Lord Lieutenant, had visited the South of Ireland; and, on his arrival at Cork, it was intimated to the Catholics there, that an expression of their loyalty would be acceptable. Accordingly an address of that nature was prepared, which, however, concluded with a *hope*, that their loyalty would entitle them to some relaxation of the penal code.

code. Before its being formally preſented, it was ſubmitted to his Excellency, and was returned to them, to ſtrike out the clauſe which expreſſed hope. With a feeling rather natural to men not perfectly broken down by oppreſſion, they refuſed to ſtrike it out, and declined preſenting the addreſs.

A century of pains and penalties had now elapſed, in which period the moſt ſevere and minute inveſtigation had not been able to aſcribe to the Catholics one inſtance of diſloyalty, when they at length determined to make a vigorous exertion to obtain a reſtoration of their conſtitutional rights. In the courſe of the year 1790, violent reſolutions had been entered into by the magiſtrates of the county of Armagh againſt them. Thoſe of Dublin, and of the other principal cities and towns of Ireland, were in conſequence rouſed to adopt reſolutions on their part, expreſſive of the neceſſity of petitioning Parliament. Theſe had been tranſmitted to the general committee of Catholics, who thereupon held a meeting to conſider them on the 11th of February 1791. The general committee referred theſe reſolutions to a ſub-committee,

committee, who made upon them the following report:

"Your committee having, in obedience to "your directions, carefully perused the resolutions "of the Catholics of Ireland, report, that said re- "solutions contain the most unequivocal senti- "ments of loyalty to our most gracious Sove- "reign, George the Third, of love for our coun- "try, and obedience to its laws, and the most "humble hope of being restored to some partici- "pation of its excellent constitution.

"That your Catholic brethren refer, with con- "fidence, to the numberless proofs they have "given of fidelity in times the most perilous, "when rebellion raged in the bosom of Britain, "and when foreign invasion threatened our coast; "and to that alacrity with which all descriptions "of our people took the oath of allegiance; "and they rely that their scrupulous observance "of such sacred obligation will no where be "doubted, when it is considered, that if they "took those oaths required by law, they would

" thereby become entitled to all the rights of
" citizens.

" That, with all humility, they confide in the
" juſtice, liberality, and wiſdom of Parliament,
" and the benignity of our moſt gracious Sove-
" reign, to relieve them from their degraded ſitua-
" tion, and no longer to ſuffer them to continue
" like ſtrangers in their native land; but thus
" have the glory of ſhewing all Europe, that in
" the plenitude of power, ſtrength, and riches of
" the Britiſh empire, when nothing they grant
" can be imputed to any motives but thoſe of juſ-
" tice and toleration; that, at ſuch a period, they
" deign to hear and relieve their oppreſſed and
" faithful ſubjects, and to unite them for ever to
" their country, by every tie of gratitude and in-
" tereſt; and that they will ſhew to all Europe,
" that humble and peaceful conduct, and dutiful
" application, are the only true and effectual me-
" thods for good ſubjects to obtain relief from a
" wiſe and good government.

" That our Catholic brethren therefore deſire,
" that application may be made for ſuch relief as

" the

" the wiſdom and juſtice of Parliament may grant;
" and they hope to be reſtored, at leaſt, to ſome
" of the rights and privileges which have been
" wiſely granted to others who diſſent from the
" eſtabliſhed church; that they may be thus
" enabled to promote, in conjunction with the reſt
" of their fellow-ſubjects, the preſent and future
" happineſs and ſtrength of their country.

" That our ſaid Catholic brethren direct, that
" ſuch application be immediately made, and con-
" tinued, in the moſt ſubmiſſive and conſtitutional
" manner, for a mitigation of the reſtrictions and
" diſqualifications under which they labour."

The general committee having agreed with and adopted this report, a petition was prepared in order to be laid before Parliament in the enſuing ſeſſion.

With this petition a deputation of the general committee waited upon the chief Secretary, Lord Hobart, to ſolicit the countenance and protection of government, but in vain. This was not only refuſed them, but the Catholics of Ireland,

conſtituting, at the loweſt calculation, three-fourths of the inhabitants of the kingdom, had not even ſufficient influence to induce any one member of Parliament to preſent it.

A ſecond deputation having failed to obtain even an anſwer from government to a renewed application for its ſupport, it was determined to ſend Mr. Keogh to London, to lay before his Majeſty's Miniſters the ſtate of his Catholic ſubjects.

Mr. Keogh, on his arrival in London, inſtituted a negociation with Mr. Pitt and the Cabinet; at the cloſe of which, the Catholics were given to underſtand that they might hope for four objects—grand juries, county magiſtrates, high ſheriffs, and the bar. Admiſſion to the right of ſuffrage was alſo mentioned, and taken under conſideration.

The ſpirit of religious liberty having, at this time, made great progreſs among the Proteſtant diſſenters in Ulſter, the 1ſt Belfaſt volunteer company, in July 1791, paſſed a reſolution in favour of

of admitting the Catholics a full enjoyment of the conſtitution; and, in October, the great Northern Aſſociation of United Iriſhmen* pledged themſelves "to endeavour, by all due means, to procure a complete and radical reform of the "people in Parliament, including Iriſhmen of "every religious perſuaſion."

In the mean time, whilſt Mr. Keogh was in London, the Iriſh Adminiſtration had been endeavouring to counteract the views of the Catholic body, by a negociation with the principal nobility and gentry belonging to it; and, in ſome degree, their exertions were ſucceſsful. For, at a meeting of the general committee, held in December 1791, for the purpoſe of conſidering of the policy of petitioning Parliament in the enſuing ſeſſion, ſome of the meeting wiſhed to adopt a reſolution of ſeeking no removal of the exiſting diſabilities, but in ſuch a manner and to ſuch an extent as the wiſdom of the legiſlature deemed expedient. This was reſiſted by others, and, on a diviſion

* It was not till 1794, that a new ſociety, under this name, embarked in an attempt to ſeparate Great Britain and Ireland.

a diviſion upon the queſtion of petitioning, the nobility were left in a minority of 90 to 17.

Purſuant to this deciſion, the following petition was drawn up, and introduced into the Houſe of Commons, by Mr. O'Hara, on the 23d January, 1792.

WE your petitioners, being appointed by ſundry of his Majeſty's ſubjects profeſſing the Roman Catholic religion, to be agents for conducting applications to the legiſlature for their relief, in our own and their names, beg leave to approach this High Court of Parliament with an unfeigned reſpect for its wiſdom and authority; and, at the ſame time, with a deep and heartfelt ſenſation of our ſingular and deplorable ſituation: And, firſt of all, we implore (and for this we throw ourſelves on the indulgence of Parliament) that no irregularity or defect in form or language, ſhould obſtruct the ſucceſs of theſe our moſt ardent ſupplications. The circumſtances in which we ſtand deſerve conſideration. For near a hundred years, we and our fathers, and our grandfathers, have groaned under a code of laws, (in ſome parts already purged from the ſtatutes), the like of which, no age, no nation, no climate ever ſaw. Yet, ſore as it were from the ſcourge of active perſecution, ſcarce yet confirmed in our minds, and but lately ſecure in our perſons and in our houſes, from the daily alarms of ſearch-warrants and informers, we come before Parliament for the firſt time; and we come to aſk an alleviation of burdens, under which we can only find conſolation in the melancholy compariſon of former times. In this ſtate of recent apprehenſion

John the Bp of Jones

prehenſion and troubled anxious hope, with minds unadapted to the preciſe obſervances of decorum, we reſt upon the ſimple merits of our caſe It is a part of our calamities, that we do not know how to tell them with propriety; and if our complaints ſhould deviate into remonſtrance, and we ſhould ſeem to upbraid, when we mean to ſupplicate, we truſt a due allowance will be made for expreſſions extorted by our anguiſh, or proceeding from an inevitable ignorance of form. Excluded from the conſtitution in all its parts, and in many reſpects aliens to the law, how ſhould we have learned the forms of Parliament?

The hardſhips we ſuffer proceed from the law. It is, therefore, only to the fountain of the law that we can look for relief. You are the great Council of our Sovereign Lord the King; but you are alſo ſubjects like ourſelves. The ear of Majeſty, by the law of the land, and by the benignity of that Sovereign, whom it is your glory to imitate, is ever open to the petitions of his people. As far as we are able to diſcern the great outlines of a conſtitution, which we know only in ſpeculation, we conceive that it is the boaſt of the conſtitution of theſe kingdoms, to have aſſociated a portion of the people into the Sovereign power; in order that, not dazzled by the awe of ſupreme Majeſty, the ſubject may find a happy mediatorial inſtitution, an aſylum wherein to depoſit the burden of his griefs, to expoſe the nakedneſs of his oppreſſions, and indulge complaint even to exaggeration. There were, indeed, thoſe who would have made us believe, that Parliament was only to be approached with circumſpect and timid ſteps; at moſt, in general terms; and that, wrapped in proud and inexorable ſtate, you would conſider a ſpecification of the wants of the people as an inſult, and a reaſon for not ſupplying them. But we knew it could not be. We knew that no ſenate, no king, no tyrant, had ever profeſſed

to

to turn his ear from detailed ſupplication. The Majeſty of God himſelf is willing to receive, and demands the incenſe of particular prayer. And ſhall we, who ſpeak from man to man, from ſubject to ſubject, not dare to ſpecify the meaſure and extent of our crying neceſſities. Deſpiſing that baſe and hypocritical affectation, we are ſure it is far more congenial to the nature and to the temper of Parliament, with a firm and generous confidence, to ſay, as we ſay—here is the evil—there is the remedy: To you we look for relief.

Behold us then before you, three millions of the people of Ireland, ſubjects of the ſame king, inhabitants of the ſame land, bound together by the ſame ſocial contract, contributing to the ſame revenues, defended by the ſame armies, declared, by the authentic words of an act of Parliament, to be good and loyal ſubjects to his Majeſty, his Crown, and Government, and yet doomed to one general unqualified incapacity, an univerſal excluſion, an univerſal civil proſcription. We are excluded from the ſtate, we are excluded from the revenues. We are excluded from every diſtinction, every privilege, every office, every emolument, every civil truſt, every corporate right. We are excluded from the navy, from the army, from the magiſtrature, from the profeſſions. We are excluded from the palladium of life, liberty, and property, the juries and inqueſts of our country.—From what are we not excluded? We are excluded from the conſtitution. We ſtand a ſtrange anomaly in the law; not acknowledged, not diſavowed; not ſlaves, not freemen: an exception to the principles of juriſprudence; a prodigy in the ſyſtem of civil inſtitution. We incur no ſmall part of the penalties of a general outlawry, and a general excommunication. Diſability meets us at every hour, and in every walk of life. It cramps our induſtry, it ſhackles our property, it depreſſes our genius, it debilitates our minds.—Why are we diſfranchiſed, and

and why are we degraded? Or rather, why do these evils afflict our country, of which we are no inconsiderable part?

We most humbly and earnestly supplicate and implore Parliament to call this law of universal exclusion to a severe account, and now at last to demand of it, upon what principle it stands, of equity, of morality, of justice, or of policy. And, while we request this scrutiny into the law, we demand also the severest scrutiny into our principles, our actions, our words, and our thoughts. Wherein have we failed as loyal and affectionate subjects to the best of Sovereigns, or as sober, peaceable, and useful members of society. Where is that people who can offer the testimony of a hundred years patient submission to a code of laws, of which no man living is now an advocate—without sedition, without murmur, without complaint. Our loyalty has undergone a century of severe persecution for the sake of our religion, and we have come out of the ordeal with our religion, and with our loyalty.

Why then are we still left under the ban of our country? We differ, it is true, from the national church, in some points of doctrinal faith. Whether it is our blessing or our misfortune, He only knows to whom all things are known. For this our religion we offer no apology. After ages of learned and critical discussion, we cannot expect to throw farther light upon it. We have only to say, that it is founded on revelation, as well as the religion established by law. Both you and we are regenerated in the same baptism, and profess our belief in the same Christ; you according to the church of England, we according to the church of Rome. We do not exercise an abject or obscure superstition. If we err, our errors have been, and still are, sanctioned by the example of many flourishing, learned, and civilized nations. We do not enter, we disdain to enter into the cavils of antiquated sophistry, and to insult the understanding of Parliament by suppos-

ing it neceſſary to prove that a religion is not incompatible with civil government, which has ſubſiſted for ſo many hundred years under every poſſible form of government, in ſome tolerated, in ſome eſtabliſhed, even to this day.

With regard to our civil principles, we are unalterably, deeply, and zealouſly attached to his Majeſty's perſon and government. Good and loyal ſubjects we are, and we are declared by law to be. With regard to the Conſtitution of the ſtate, we are as much attached to it as it is poſſible for men to be attached to a conſtitution by which they are not avowed. With regard to the conſtitution of the church, we are, indeed, inviolably attached to our own: Firſt, becauſe we believe it to be true; and next, becauſe, beyond belief, we know that its principles are calculated to make us, and have made us, good men and good citizens. But as we find it anſwers to us, individually, all the uſeful ends of religion, *we ſolemnly and conſciouſly declare, that we are ſatisfied with the preſent condition of our eccleſiaſtical policy. With ſatisfaction, we acquieſce in the eſtabliſhment of the national church; we neither repine at its poſſeſſions, nor envy its dignities; we are ready, upon this point, to give every aſſurance that is binding upon man.*

With regard to every other ſubject, and to every other calumny, we have no diſavowals, we have no declarations to make: Conſcious of the innocence of our lives, and the purity of our intentions, we are juſtified in aſking, what reaſon of ſtate exiſts, and we deny that any does exiſt, for leaving us ſtill in the bondage of the law, and under the protracted reſtriction of penal ſtatutes. Penalties ſuppoſe, if not crimes, at leaſt a cauſe of reaſonable ſuſpicion. Criminal imputations like thoſe (for to be adequate to the effect, they muſt be great indeed) are, to a generous mind, more grievous than the penalties themſelves. They incontrovertibly imply, that we

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are conſidered by the legiſlature as ſtanding in a doubtful light of fidelity or loyalty to the King, or to the conſtitution of our country, and perhaps to both. While on theſe unjuſt ſuppoſitions we are deprived of the common rights and privileges of Britiſh and of Iriſh ſubjects, it is impoſſible for us to ſay we are contented while we endure a relentleſs civil proſcription for which no cauſe is alleged, and for which no reaſon can be aſſigned.

Becauſe we now come with a clear, open, and manly voice, to inſiſt upon the grievances under which we ſtill labour, it is not to be inferred that we have forgot the benignant juſtice of Parliament, which has relieved us from the more oppreſſive, but not the moſt extenſive part of the penal ſyſtem. In thoſe days of affliction, when we lay proſtrate under the iron rod, and, as it were, entranced in a gulph of perſecution, it was neceſſary for Parliament to go the whole way, and to ſtretch out a ſaving hand to relieve us. We had not the courage to look up with hope, to know our condition, or even to conceive a remedy. It is becauſe the former relaxations were not thrown away upon us; it is becauſe we begin to feel the influence of ſomewhat more equal laws, and to revive from our former inanition, that we now preſume to ſtand erect before you: Conceiving that Parliament has a right to expect, as a teſt of our gratitude, that we ſhould no longer lie a dead weight upon our country, but come forward in our turn to aſſiſt with our voice, our exertions, and our councils, in a work, to which the wiſdom and power of Parliament is incompetent without our co-operation—the application of a policy, wholly new, to the preſſing wants, and to the intimate neceſſities of a people long forgotten, out of the ſight and out of the knowledge of a ſuperintending legiſlature.—Accordingly we are come, and we claim no ſmall merit that we have found our way to the door of Parliament. It has not been made eaſy for us.—Every art and induſtry has been exerted to

obſtruct us: Attempts have been made to divide us into factions, and to throw us into confuſion. We have ſtood firm and united. We have received hints and cautions; obſcure intimations and public warnings to guard our ſupplications againſt intimidation. We have reſiſted that ſpecies of diſguiſed and artful threat. We have been traduced, calumniated, and libelled. We have witneſſed ſiniſter endeavours again to blow the flame of religious animoſity, and awake the ſlumbering ſpirit of popular terrors and popular fury.—But we have remained unmoved. We are, indeed, accuſtomed to this tumid agitation and ferment in the public mind. In former times it was the conſtant precurſor of more intenſe perſecution, but it has alſo attended every later and happier return of legiſlative mercy. But whether it betokens us evil or good, to Parliament we come, to ſeek, at that ſhrine, a ſafeguard from impending danger, or a communication of new benefits.

What then do we aſk of Parliament? To be thoroughly united and made one with the reſt of our fellow-ſubjects. That, alas! would be our firſt, our deareſt wiſh. But if that is denied us, if ſacrifices are to be made, if by an example of rare moderation, we do not aſpire to the condition of a fair equality, we are not at a loſs to find, in the range of ſocial benefits (which is nearly that of our preſent excluſions) an object which is, and ought to be, the ſcope and reſting-place of our wiſhes and our hopes. That which, if we do not aſk, we are not worthy to obtain. We knock that it may be opened unto us. We have learned by tradition from our anceſtors, we have heard by fame in foreign lands, where we have been driven to ſeek education in youth, and bread in manhood; and, by the contemplation of our own minds, we are filled with a deep and unalterable opinion that the Iriſh, formed upon the model of the Britiſh conſtitution, is a bleſſing of ineſtimable value; that it contributes, and is even

eſſentially

eſſentially neceſſary for national and individual happineſs. Of this conſtitution, we feel ourſelves worthy; and though not practically, we know the benefits of its franchiſes. Nor can we, without a criminal diſſimulation, conceal from Parliament the painful inquietude which is felt by our whole perſuaſion, and the dangers to which we do not ceaſe to be expoſed, by this our total and unmerited excluſion from the common rights, privileges, and franchiſes, conceded by our Kings for the protection of the ſubject. This excluſion is indeed the root of every evil. It is that which makes property inſecure, and induſtry precarious. It pollutes the ſtream of juſtice. It is the cauſe of daily humiliation. It is the inſurmountable barrier, the impaſſible line of ſeparation which divides the nation, and which, keeping animoſity alive, prevents the entire and cordial intermixture of the people. And therefore inevitably it is, that ſome ſhare, ſome portion, ſome participation in the liberties and franchiſes of our country, becomes the primary and eſſential object of our ardent and common ſolicitation. It is a bleſſing for which there is no price, and can be no compenſation. With it, every evil is tolerable; without it, no advantage is deſirable. In this, as in all things, we ſubmit ourſelves to the paramount authority of Parliament; and we ſhall acquieſce in what is given, as we do in what is taken away. But this is the boon we aſk. We hunger and we thirſt for the conſtitution of our country. If it ſhall be deemed otherwiſe, and ſhall be determined that we are qualified perhaps for the baſe and lucrative tenures of profeſſional occupation, but unworthy to perform the free and noble ſervices of the conſtitution, we ſubmit, indeed, but we ſolemnly proteſt againſt that diſtinction for ourſelves and for our children. It is no act of ours. Whatever judgment may await our merits or our failings, we cannot conclude ourſelves, by recognizing, for a conſideration, the principle of ſervility and perpetual degradation.

Theſe are the ſentiments which we feel to the bottom of our hearts, and we diſcloſe them to the free Parliament of a Monarch whoſe glory it is to reign over a free people.—To you we commit our ſupplications and our cauſe. We have, indeed, little to apprehend, in this benigner age, from the malignant aſperſions of former times, and not more from the obſolete calumnies of former ſtrife; although we ſee them endeavouring again to collect the remnant of their exhauſted venom, before they die for ever, in a laſt and feeble effort to traduce our religion and our principles. But, as oppreſſion is ever fertile in pretexts, we find the objections ſtarted againſt us more dangerous becauſe they are new, or new at leaſt in the novelty of a ſhameleſs avowal. They are principally three —Firſt, it is contended that we are a people originally and fundamentally different from yourſelves, and that our intereſts are for ever irreconcileable, becauſe ſome hundred years ago our anceſtors were conquered by your's. We deny the concluſion; we deny the fact. It is falſe.—In addreſſing ourſelves to you, we ſpeak to the children of our anceſtors, as we alſo are the children of your forefathers: Nature has triumphed over law; we are intermixed in blood; we are blended in connexion; we are one race; we all are Iriſhmen; ſubjects of the Imperial Crown of Ireland. The honour of Parliament is concerned, to repreſs the audacity of thoſe who tell us that you are a foreign colony; and, conſequently, ought to govern according to the principles of invaders, and the policy of recent uſurpation. At leaſt we confide that you will not ſuffer the walls of Parliament to be contaminated with that libel upon the government of Ireland. The ſhaft which was aimed at us has ſtruck yourſelves; a memorable, but, at the ſame time, we truſt, a moſt auſpicious example, to teach both you and us, and our common poſterity, that our intereſts are one; and that whatever affects the well-being and honour of the Roman Catholics, is alſo injurious to the Proteſtant intereſt. Of the ſame complexion and tendency are the two objections,

objections, one that our advancement in property and privilege would lead to a repeal of the act of ſettlement; the other, that our participation in the liberties and franchiſes of our country, would endanger the exiſtence of the conſtitution into which we are admitted.

A reſumption of the lands forfeited by our and your anceſtors, (for they are the ſame), after the lapſe of ſo many years, (near three returns of the longeſt period of legal limitation) after the diſperſion and extinction of ſo many families; after ſo many tranſitions and diviſions, repartitions and reconſolidations of property; ſo many ſales, judgments, mortgages, and ſettlements; and after all the various proceſs of voluntary and legal operation, to conceive the revival of titles dormant for 150 years, is an idea ſo perfectly chimerical, ſo contrary to the experience of all ages and all countries, ſo repugnant to the principles of juriſprudence, and ſo utterly impoſſible in point of fact; that the Roman Catholics of Ireland, once for all, make it their earneſt requeſt to have that queſtion thoroughly inveſtigated, in the aſſured hope, that ſo idle, vain, and abſurb an object of public apprehenſion, being expoſed and laid open to the eye of reaſon, may ſleep in oblivion for ever.

As to the other ſubject of apprehenſion, we have but one anſwer to make. We deſire to partake in the conſtitution; and therefore we do not deſire to deſtroy it. Parliament is now in poſſeſſion of our caſe; our grievances, our ſorrows, our obſtructions, our ſolicitudes, our hopes. We have told you the deſire of our hearts. We do not aſk to be relieved from this or that incapacity; not the abolition of this or that odious diſtinction; not even perhaps to be in the fulneſs of time, and in the accompliſhment of the great comprehenſive ſcheme of legiſlation, finally incorporated with you in the enjoyment of the ſame conſtitution. Even beyond that mark,

we

we have an ultimate and if poſſible an object of more interior deſire. We look for an union of affections; a gradual, and, therefore, a total obliteration of all the animoſities, (on our part they are long extinct), and all the prejudices which have kept us disjoined. We come to you a great acceſſion to the Proteſtant intereſt, with hearts and minds ſuitable to ſuch an end. We do not come as jealous and ſuſpicious rivals, to guard the conſtitution, but, with fraternal minds, to participate in the great incorporeal inheritance of freedom, to be held according to the laws and cuſtoms of the realm, and by our immediate fealty and allegiance to the King. And ſo may you receive us.

And we ſhall ever pray.

Objections having been made to this petition, upon Mr. O'Hara's preſenting it, as being informal, he withdrew it; and the general committee finding that ſo bold and explicit a ſtatement of their caſe had given offence to ſome of their more violent opponents, prepared another petition, merely praying that the Houſe would take into conſideration, whether the removal of ſome of the grievances of the petitioners might not be compatible with Proteſtant ſecurity. This petition was preſented by Mr. Egan on the 18th of February; and, on the 20th, was afterwards rejected, on a diviſion of 200 to 25.

On

On the ſame day was alſo rejected a petition from the Proteſtant inhabitants of Belfaſt, which went much farther than the petition of the Catholics, as it required that they ſhould be placed on the ſame footing with their Proteſtant fellow-ſubjects.

About this time the general committee invited over the ſon of Mr. Burke to act for them as their confidential agent*. They were induced to take this ſtep in order to pay a compliment to Mr. Burke, in return for the extraordinary ſervices he had done for them, and to ſecure, at this juncture, the renewal of his exertions in promoting their cauſe. It was on the 3d January of this year, that Mr. Burke publiſhed his letter to Sir Hercules Langriſhe, in which he gave him that learned and liberal opinion upon the ſubject of the elective franchiſe, which probably obtained the royal aſſent to the meaſure which afterwards was adopted for conceding it. This letter was admirably well adapted to meet every ſpecies of objec-

 tion,

* It appears from the ſtatement, publiſhed by the committee, of the accounts, that they paid Mr. R. Burke for his attendance L.2321, 10s. 5d.

tion, moral, local, and conſtitutional. It was calculated to remove the prejudices of the Church of England, and every ſect of Proteſtant diſſenters; and, above all, it was quite concluſive, as a demonſtration of the compatibility of Catholic emancipation with the coronation oath.

At a meeting of the general committee, on the 4th February, the following reſolutions were agreed to, and afterwards publiſhed, with an addreſs to the Proteſtants, written by Mr. R. Burke, and corrected by his father. To this addreſs were added the anſwers of the foreign Catholic univerſities to queſtions that had been put to them in 1789, at the deſire of Mr. Pitt, concerning the exiſtence and extent of the Popiſh diſpenſing power.

Reſolved, That this committee has been informed, that reports have been circulated, that the application of the Catholics for relief, extends to unlimited and total emancipation; and that attempts have been made, wickedly and falſely, to inſtil into the minds of the Proteſtants of this kingdom an opinion, that our applications were preferred in a tone of menace.

Reſolved, That ſeveral Proteſtant gentlemen have expreſſed great ſatisfaction on being individually informed of the real extent

extent and reſpectful manner of the applications for relief, have aſſured us, that nothing could have excited jealouſy, or apparent oppoſition to us, from our Proteſtant countrymen, but the above-mentioned miſapprehenſions.

Reſolved, That we therefore deem it neceſſary to declare, that the whole of our late applications, whether to his Majeſty's Miniſters, to men in power, or to private members of the legiſlature, as well as our intended petition, neither did, nor does contain any thing, or extend further, either in ſubſtance or in principle, than the four following objects,

1ſt. Admiſſion to the profeſſion and practice of the law.

2d. Capacity to ſerve as county magiſtracies.

3d. A right to be ſummoned, and to ſerve on grand and petty juries.

4th. The right of voting in counties only for Proteſtant members of Parliament; in ſuch a manner, however, as that a Roman Catholic freeholder ſhould not vote, unleſs he either rented, and cultivated a farm of twenty pounds per annum, in addition to his forty ſhillings freehold; or elſe poſſeſſed a freehold to the amount of twenty pounds a-year.

Reſolved, That, in our opinion, theſe applications, not extending to any other objects than the above, are moderate, and abſolutely neceſſary for our general alleviation, and more particularly for the protection of the Catholic farmers and the peaſantry of Ireland; and that they do not, in any degree, endanger either church or ſtate, or endanger the ſecurity of the Proteſtant intereſt.

Reſolved, That we never had an idea or thought ſo extravagant, as that of menacing or intimidating our Proteſtant brethren, much leſs the legiſlature; and that we diſclaim the violent and turbulent intentions imputed to us in ſome of the public prints, and circulated in private converſation.

Reſolved, That we refer to the known diſpoſition of the Roman Catholics of this kingdom, to our dutiful behaviour, during a long ſeries of years, and particularly to the whole tenor of our late proceedings for the full refutation of every charge of ſedition and diſloyalty.

Reſolved, That for the more ample and detailed expoſure of all the evil reports and calumnies circulated againſt us, an addreſs to our Proteſtant fellow-ſubjects, and to the public in general, be printed by the order, and in the name of the general committee.

The queries and anſwers concerning the Popiſh diſpenſing power, are as follow:

1ſt. Has the Pope or Cardinals, or any body of men, or any individual of the Church of Rome, any civil authority, power, juriſdiction, or pre-eminence whatſoever, within the realm of England?

2d. Can the Pope or Cardinals, or any body of men, or any individual of the Church of Rome, abſolve or diſpenſe with his Majeſty's ſubjects from their oath of allegiance, upon any pretext whatſoever?

3d. Is there any principle in the tenets of the Catholic faith, by which Catholics are juſtified in not keeping faith with

with heretics, or other perſons differing from them in religious opinions, in any tranſaction, either of a public or a private nature?

Abſtract from the Anſwer of the Sacred Faculty of Divinity of Paris to the above Queries.

After an introduction according to the uſual forms of the univerſity, they anſwer the firſt query by declaring:

Neither the *Pope, nor the Cardinals, nor any body of men,* nor any other perſon of the Church of Rome, hath any *civil authority, civil power, civil juriſdiction, or civil pre-eminence* whatſoever in *any* kingdom; and, conſequently, none in the kingdom of England, by reaſon or virtue of any authority, power, juriſdiction, or pre-eminence by divine inſtitution inherent in, or granted, or by any other means belonging to the Pope, or the Church of Rome. This doctrine the Sacred Faculty of Divinity of Paris has always held, and upon every occaſion maintained, and upon every occaſion has rigidly proſcribed the contrary doctrines from her ſchools.

Anſwer to the ſecond query.—Neither the *Pope, nor the Cardinals, nor any body of men,* nor any perſon of the Church of Rome, can, by virtue of the keys, abſolve or releaſe the ſubjects of the King of England from their oath of allegiance.

This and the firſt query are ſo intimately connected, that the anſwer of the firſt immediately and naturally applies to the ſecond, &c.

Anſwer to the third query.—There is no tenet in the Catholic church, by which Catholics are juſtified in not keeping faith with heretics, or thoſe who differ from them in matters

matters of religion. The tenet, that it is lawful to break faith with heretics, is ſo repugnant to common honeſty and the opinions of Catholics, that *there is nothing of which thoſe who have defended the Catholic faith againſt Proteſtants have complained more heavily, than the malice and calumny of their adverſaries in imputing this tenet to them, &c. &c. &c.*

Given at Paris, in the General Aſſembly of the Sorbonne, held on Thurſday the 11th day before the calends of March, 1789.

Signed in due form.

Univerſity of Louvain.

The Faculty of Divinity at Louvain having been requeſted to give her opinion upon the queſtions above ſtated, does it with readineſs—*but ſtruck with aſtoniſhment that ſuch queſtions ſhould, at the end of this eighteenth century, be propoſed to any learned body, by inhabitants of a kingdom that glories in the talents and diſcernment of its natives.* The Faculty being aſſembled for the above purpoſe, it is agreed, with the unanimous aſſent of all voices, to anſwer the firſt and ſecond queries abſolutely in the negative.

The Faculty does not think it incumbent upon her, in this place, to enter upon the proofs of her opinion, or to ſhew how it is ſupported by paſſages in the Holy Scriptures, or the writings of antiquity. That has already been done by Boſſuet, De Marca, the two Barclays, Goldaſtus, the Pithæuſes, Argentre Widrington, and his Majeſty King James the Firſt, in his Diſſertation againſt Bellarmine and Du Perron, and by many others, &c. &c. &c.

The Faculty then proceeds to declare, that the ſovereign power of the ſtate is in nowiſe (not even indirectly, as it is termed

termed) ſubject to, or dependent upon, any other power; though it be a ſpiritual power, or even though it be inſtituted for eternal ſalvation, &c. &c.

That *no man, nor any aſſembly of men*, however eminent in dignity and power, nor even the *whole body of the Catholic church*, though aſſembled in general council, can, upon any ground of pretence whatſoever, weaken the bond of union between the Sovereign and the people; ſtill leſs can they abſolve or free the ſubjects from their oath of allegiance.

Proceeding to the third queſtion, the ſaid Faculty of Divinity *(in perfect wonder that ſuch a queſtion ſhould be propoſed to her)* moſt poſitively and unequivocally anſwers, that there is not, and there never has been, among the Catholics, or in the doctrines of the Church of Rome, any law or principle which makes it lawful for Catholics to break their faith with heretics, or others of a different perſuaſion from themſelves, in matters of religion, either in public or private concerns.

The Faculty declares the doctrine of the Catholics to be, that the divine and natural law, which makes it a duty to keep faith and promiſes, is the ſame; and is neither ſhaken nor diminiſhed, if thoſe, with whom the engagement is made, hold erroneous opinions in matters of religion, &c. &c.

Signed in due form on the 18th of November, 1788.

Univerſity of Valladolid.

To the firſt queſtion it was anſwered—*That neither Pope, Cardinals, or even a General Council*, have any civil authority, power, juriſdiction, or pre-eminence, directly or indirectly, in the kingdom of Great Britain; or over *any other kingdom or province* in which they poſſeſs no temporal dominion.

To

To the ſecond it is anſwered—That neither Pope nor Cardinals, nor even a General Council, can abſolve the ſubjects of Great-Britain from their oaths of allegiance, or diſpenſe with their obligation.

To the third it is anſwered—That the obligation of keeping faith is grounded on the law of nature, which binds all men equally, without reſpect to their religious opinions; and with regard to Catholics, it is ſtill more cogent, as it is confirmed by the principles of their religion.

Signed in the uſual form, February 17, 1789.

While the general committee were occupied in carrying theſe meaſures into effect, Parliament had paſſed a law* for removing part of the reſtraints and diſabilities to which the Catholics were liable. It was introduced into the Houſe of Commons by Sir H. Langriſhe, and, being ſupported by government, it met with little oppoſition. But the conduct of government, on this occaſion, was ſo ſuſpicious, and its favour conferred with ſo bad a grace†, that it did not in the leaſt degree contribute to appeaſe the irritation which its former conduct in 1791 had ſo juſtly given riſe to.

By

* 32d Geo. III. c. 21.

† This meaſure was introduced into the Houſe of Commons without any communication with the general committee.

By this act Catholics may be called to the bar, and may be admitted as ſtudents into the King's-Inns. Attornies may take Catholic apprentices, and are relieved from the neceſſity of educating their children Proteſtants; and barriſters may marry Catholic wives. Catholic barriſters, and apprentices to attornies, muſt, nevertheleſs, qualify themſelves for the benefits of this act, by taking the oath of the 13th and 14th Geo. III. c. 35.

By this act, ſo much of 9th William III. c. 3. and 2d Anne, c. 6. as prevents Proteſtants from intermarrying with Papiſts, is repealed. But Proteſtants married to Catholics are not to vote at elections; and the law is not altered which makes it a capital felony for a prieſt to celebrate the marriage of a Proteſtant and a Catholic, though the very next act in the ſtatute book enables a Preſbyterian clergyman to celebrate the marriage of a Proteſtant and a Preſbyterian.

By this act, alſo, the 7th William III. for reſtraining foreign education, is repealed; and Catholics are permitted to teach ſchool without taking out a licenſe from the ordinary. And ſo much

likewiſe of 8th Anne, c. 3. is repealed; which enacts, that no Papiſt ſhall take more than two apprentices.

In the courſe of the debates upon this act, the Catholics were accuſed of profeſſing tenets inimical to good order, and government; and with harbouring pretenſions to the forfeited eſtates of their forefathers, and with wiſhing to ſubvert the exiſting eſtabliſhment, that they might reinſtate a Popiſh one in its ſtead. The general committee were alſo accuſed of being turbulent and ſeditious agitators. It was aſſerted, that the petition which they preſented this year to Parliament was the act of an obſcure faction, confined merely to the capital, and diſavowed by the great maſs of the Catholics.

In order to repel the firſt of theſe accuſations, the declaration of 1774, which has already been introduced into this work, was republiſhed, and ſigned by Dr. Troy and the principal Catholic clergy and laity of the kingdom. The ſecond charge was not ſo eaſily to be contradicted. It was one of moſt ſerious importance to the intereſts

of

of the whole body, and, if ſuffered to paſs without the fallacy of it being expoſed, would have contributed to defeat all the exertions which had been made to obtain redreſs. Urged by theſe conſiderations, and alſo by a communication, which, about this time, was made, from the firſt authority, that a further application for relief would have great weight with his Majeſty, and with Parliament, if the committee were qualified to declare, that it was the meaſure of every Catholic in the kingdom,* the committee deviſed a plan, by which a convention of delegates ſhould be held, elected by the whole Catholic body. A circular letter was immediately written, directing that each pariſh ſhould proceed to chooſe one or two electors, and that theſe electors ſhould then elect from one to four delegates, as it might appear moſt expedient to them. Their directions were obeyed, and carried into effect with ſo much promptitude and good order, that the convention were able to meet on the 3d of December, without the ſmalleſt degree of tumult or agitation having occurred in any part of the kingdom.

* See the plan for conducting the election of delegates, publiſhed 1793.

In the mean time, this circular letter had been laid hold of by the government as a proper inſtrument with which to rekindle the embers of religious animoſities. Where the partizans of government were ſufficiently ſtrong, corporate and county meetings were held to reprobate the plan of the general committee; but if defeat, or even formidable reſiſtance, was apprehended, ſimilar reſolutions were entered into by the grand juries, where ſucceſs could eaſily be ſecured, from the influence of government in their appointment.

In order to counteract the effect of theſe reſolutions, thoſe Proteſtants who had the virtue and the good ſenſe neither to become the tools or the dupes of government, held a great number of meetings of different towns and diſtricts. Some few, with Londonderry at their head, expreſſed themſelves favourable to a gradual admiſſion of the Catholics; but the great majority followed the example of an immenſe body of volunteers, who, when aſſembled together at their commemoration meeting, declared their ſentiments in favour of the immediate and unqualified exten-

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ſion of the right of ſuffrage to the whole Catholic body.

When the convention met in December, their proceedings were wiſe, temperate, and deciſive, and conducted without any violation of the laws of the land, or of the good order of ſociety. At the firſt meeting the following petition to the King was unanimouſly agreed to, purſuant to inſtructions which had been given to each delegate by his reſpective electors.

To the King's moſt Excellent Majeſty, the humble Petition of the Underſigned Catholics, on behalf of themſelves and the reſt of his Catholic Subjects of the kingdom of Ireland.

Moſt Gracious Sovereign,

We your Majeſty's moſt dutiful and loyal ſubjects of your kingdom of Ireland, profeſſing the Catholic religion, preſume to approach your Majeſty, who are the common father of all your people, and humbly to ſubmit to your conſideration the manifold incapacities and oppreſſive diſqualifications under which we labour.

For, may it pleaſe your Majeſty, after a century of uninterrupted loyalty, in which time five foreign wars and two domeſtic rebellions have occurred, after having taken every oath of allegiance and fidelity to your Majeſty, and given, and being ſtill ready to give, every pledge, which can be deviſed for their peaceable demeanour and unconditional ſubmiſſion

to

to the laws, the Catholics of Ireland ſtand obnoxious to a long catalogue of ſtatutes, inflicting on dutiful and meritorious ſubjects pains and penalties of an extent and ſeverity, which ſcarce any degree of delinquency can warrant, and prolonged to a period, when no neceſſity can be alleged to juſtify their continuance.

In the firſt place, we beg leave, with all humility, to repreſent to your Majeſty, that, notwithſtanding the loweſt departments in your Majeſty's fleets and armies are largely ſupplied by our numbers, and your revenue in this country to a great degree ſupported by our contributions, we are diſabled from ſerving your Majeſty in any office of truſt and emolument whatſoever, civil or military—a proſcription, which diſregards capacity or merit, admits of neither qualification nor degree, and reſts as an univerſal ſtigma of diſtruſt upon the whole body of your Catholic ſubjects.

We are interdicted from all municipal ſtations, and the franchiſe of all guilds and corporations; and our excluſion from the benefits annexed to thoſe ſituations is not an evil terminating in itſelf; for, by giving an advantage over us to thoſe, in whom they are excluſively veſted, they eſtabliſh throughout the kingdom a ſpecies of qualified monopoly, uniformly operating in our diſfavour, contrary to the ſpirit, and highly detrimental to the freedom of trade.

We may not found nor endow any univerſity, college, or ſchool, for the education of our children; and we are interdicted from obtaining degrees in the univerſity of Dublin by the ſeveral charters and ſtatutes now in force therein.

We are totally prohibited from keeping or uſing weapons, for the defence of our houſes, families, or perſons, whereby we are expoſed to the violence of burglary, robbery, and aſſaſſination;

aſſaſſination; and to enforce this prohibition, contravening that great original law of nature, which enjoins us to ſelf-defence, a variety of ſtatutes exiſt, not leſs grievous and oppreſſive in their proviſions, than unjuſt in their object; by one of which, enacted ſo lately as within theſe ſixteen years, every one of your Majeſty's Catholic ſubjects, of whatever rank or degree, peer or peaſant, is compellable by any magiſtrate to come forward and convict himſelf of what may be thought a ſingular offence in a country profeſſing to be free—keeping arms for his defence; or, if he ſhall refuſe ſo to do, may incur not only fine and impriſonment, but the vile and ignominious puniſhments of the pillory and whipping, penalties appropriated to the moſt infamous malefactors, and more terrible to a liberal mind than death itſelf.

No Catholic whatſoever, as we apprehend, has his perſonal property ſecure. The law allows and encourages the diſobedient and unnatural child to conform and deprive him of it: the unhappy father does not, even by the ſurrender of his all, purchaſe his repoſe; he may be attacked by new bills, if his future induſtry be ſucceſsful, and again be plundered by due proceſs of law.

We are excluded, or may be excluded, from all petit juries, in civil actions, where one of the parties is a Proteſtant; and we are further excluded from all petit juries in trials by information or indictment founded on any of the Popery laws, by which law we moſt humbly ſubmit to your Majeſty, that your loyal ſubjects, the Catholics of Ireland, are in this their native land, in a worſe ſituation than that of aliens, for they may demand an equitable privilege denied to us, of having half their jury aliens like themſelves.

We may not ſerve on grand juries, unleſs, which it is ſcarcely poſſible can ever happen, there ſhould not be found a ſufficiency

ſufficiency of Proteſtants to complete the pannel; contrary to that humane and equitable principle of the law, which ſays, that no man ſhall be convicted of any capital offence, unleſs by the concurring verdicts of two juries of his neighbours and equals; whereby (and to this, we humbly preſume more particularly to implore your royal attention) we are deprived of the great palladium of the conſtitution, trial by our peers, independent of the manifeſt injuſtice of our property being taxed in aſſeſſments by a body, from which we are formally excluded.

We avoid a further enumeration of inferior grievances; but may it pleaſe your Majeſty, there remains one incapacity, which your loyal ſubjects, the Catholics of Ireland, feel with moſt poignant anguiſh of mind, as being the badge of unmerited diſgrace and ignominy, and the cauſe and bitter aggravation of all our other calamities; we are deprived of the elective franchiſe, to the manifeſt perverſion of the ſpirit of the conſtitution, inaſmuch as your faithful ſubjects are thereby taxed, where they are not repreſented, actually or virtually, and bound by laws, in the framing of which, they have no power to give, or with-hold their aſſent; and we moſt humbly implore your Majeſty to believe, that this our prime and heavy grievance is not an evil merely ſpeculative, but is attended with great diſtreſs to all ranks, and in many inſtances, with the total ruin and deſtruction of the lower orders of your Majeſty's faithful and loyal ſubjects the Catholics of Ireland; for may it pleaſe your Majeſty, not to mention the infinite variety of advantages, in point of protection and otherwiſe, which the enjoyment of the elective franchiſe gives to thoſe who poſſeſs it, nor the conſequent inconveniencies, to which thoſe who are deprived thereof are liable; not to mention the diſgrace to three-fourths of your loyal ſubjects of Ireland, of living the only body of men incapable of franchiſe, in a nation poſſeſſing a free conſtitution, it continually happens, and of neceſſity

neceſſity from the malignant nature of the law muſt happen, that multitudes of the Catholic tenantry in divers counties in this kingdom are, at the expiration of their leaſes, expelled from their tenements and farms to make room for Proteſtant freeholders, who, by their votes, may contribute to the weight and importance of their landlords; a circumſtance which renders the recurrence of a general election, that period which is the boaſt and laudable triumph of our Proteſtant brethren, a viſitation and heavy curſe to us, your Majeſty's dutiful and loyal ſubjects. And may it pleaſe your Majeſty, this uncertainty of poſſeſſion to your Majeſty's Catholic ſubjects operates as a perpetual reſtraint and diſcouragement on induſtry and the ſpirit of cultivation, whereby it happens, that this your Majeſty's kingdom of Ireland, poſſeſſing many and great natural advantages of ſoil and climate, ſo as to be exceeded therein by few, if any countries on the earth, is yet prevented from availing herſelf thereof ſo fully as ſhe otherwiſe might, to the furtherance of your Majeſty's honour, and the more effectual ſupport of your ſervice.

And, may it pleaſe your Majeſty, the evil does not even reſt here; for many of your Majeſty's Catholic ſubjects, to preſerve their families from total deſtruction, ſubmit to a nominal conformity againſt their conviction and their conſcience, and preferring perjury to famine, take oaths which they utterly diſbelieve; a circumſtance, which we doubt not will ſhock your Majeſty's well-known and exemplary piety, not leſs than the miſery which drives thoſe unhappy wretches to ſo deſperate a meaſure, muſt diſtreſs and wound your royal clemency and commiſeration.

And may it pleaſe your Majeſty, though we might here reſt our caſe on its own merits, juſtice, and expediency, yet we further preſume humbly to ſubmit to your Majeſty, that the right of franchiſe was, with divers other rights, enjoyed

by the Catholics of this kingdom, from the firſt adoption of the Engliſh conſtitution by our forefathers, was ſecured to at leaſt a great part of our body by the treaty of Limerick, in 1691, guaranteed by your Majeſty's royal predeceſſors, King William and Queen Mary, and finally confirmed and ratified by Parliament; notwithſtanding which, and in breach of the public faith of the nation thus ſolemnly pledged, for which our anceſtors paid a valuable conſideration, in the ſurrender of their arms, and a great part of this kingdom, and notwithſtanding the moſt ſcrupulous adherence, on our part, to the terms of the ſaid treaty, and our unremitting loyalty from that day to the preſent, the ſaid right of elective franchiſe was finally and univerſally taken away from the Catholics of Ireland, ſo lately as the firſt year of his Majeſty King George the Second.

And when we thus preſume to ſubmit this infraction of the treaty of Limerick to your Majeſty's royal notice, it is not that we ourſelves conſider it to be the ſtrong part of our caſe; for though our rights were recognized, they were by no means created by that treaty; and we do with all humility conceive, that if no ſuch event as the ſaid treaty had ever taken place, your Majeſty's Catholic ſubjects, from their unvarying loyalty, and dutiful ſubmiſſion to the laws, and from the great ſupport afforded by them to your Majeſty's government in this country, as well in their perſonal ſervice, in your Majeſty's fleets and armies, as from the taxes and revenues levied on their property, are fully competent, and juſtly entitled to participate and enjoy the bleſſings of the conſtitution of their country.

And now that we have, with all humility, ſubmitted our grievances to your Majeſty, permit us, moſt gracious Sovereign, again to repreſent our ſincere attachment to the conſtitution, as eſtabliſhed in the three eſtates of King, Lords, and Commons;

Commons; our uninterrupted loyalty, peaceable demeanour, and ſubmiſſion to the laws for one hundred years; and our determination to perſevere in the ſame dutiful conduct, which has, under your Majeſty's happy auſpices, procured us thoſe relaxations of the penal ſtatutes, which the wiſdom of the legiſlature has from time to time thought proper to grant; we humbly preſume to hope, that your Majeſty, in your paternal goodneſs and affection towards a numerous and oppreſſed body of your loyal ſubjects, may be graciouſly pleaſed to recommend to your Parliament of Ireland, to take into their conſideration the whole of our ſituation, our numbers, our merits, and our ſufferings; and as we do not give place to any of your Majeſty's ſubjects in loyalty and attachment to your ſacred perſon, we cannot ſuppreſs our wiſhes of being reſtored to the rights and privileges of the conſtitution of our country, and thereby becoming more worthy, as well as more capable of rendering your Majeſty that ſervice, which it is not leſs our duty than our inclination to afford.

So may your Majeſty tranſmit to your lateſt poſterity, a crown ſecured by public advantage and public affection; and ſo may your royal perſon become, if poſſible, more dear to your grateful people.

On the 2d January 1793, the gentlemen who had been deputed to preſent this petition were introduced to his Majeſty by Mr. Dundas; and, on the 10th of the ſame month, Lord Weſtmorland, in a ſpeech from the throne to both Houſes of Parliament, ſaid, "I have it in particular com-"mand from his Majeſty to recommend it to "you, to apply yourſelves to the conſideration of

" ſuch meaſures as may be moſt likely to ſtrengthen
" and cement a general union of ſentiment among
" all claſſes of his Majeſty's ſubjects, in ſupport
" of the eſtabliſhed conſtitution; with this view,
" his Majeſty truſts, that the ſituation of his Ma-
" jeſty's Catholic ſubjects will engage your ſerious
" attention; and, in conſideration of this ſub-
" ject, he relies on the wiſdom and liberality of
" Parliament."

In a few days afterwards, Major Hobart, now Lord Buckinghamſhire, preſented to the Houſe of Commons a petition from the Catholics, praying for relief. A petition to the ſame effect was preſented from the Proteſtant inhabitants of Belfaſt, and ſoon after the royal aſſent was given to the following act for affording relief to his Majeſty's Popiſh or Roman Catholic ſubjects of Ireland.

Whereas various acts of Parliament have been paſſed, impoſing on his Majeſty's ſubjects profeſſing the Popiſh or Roman Catholic religion, many reſtraints and diſabilities to which other ſubjects of this realm are not liable; and, from the peaceable and loyal demeanour of his Majeſty's Popiſh or Roman Catholic ſubjects, it is fit that ſuch reſtraints and diſabilities ſhall be diſcontinued: Be it therefore enacted by the King's

King's moſt excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the authority of the ſame, that his Majeſty's ſubjects being Papiſts, or perſons profeſſing the Popiſh or Roman Catholic religion, or married to Papiſts, or perſons profeſſing the Popiſh or Roman Catholic religion, or educating any of their children in that religion, ſhall not be liable or ſubject to any penalties, forfeitures, diſabilities, or incapacities; or to any laws for the limitation, charging, or diſcovering of their eſtates and property, real or perſonal, or touching the acquiring of property, or ſecurities affecting property, ſave ſuch as his Majeſty's ſubjects of the Proteſtant religion are liable and ſubject to; and that ſuch parts of all oaths as are required to be taken by perſons in order to qualify themſelves for voting at elections of members to ſerve in Parliament; and alſo ſuch parts of all oaths required to be taken by perſons voting at elections for members to ſerve in Parliament, as import to deny that the perſon taking the ſame is a Papiſt, or married to a Papiſt, or educates his children in the Popiſh religion, ſhall not hereafter be required to be taken by any voter, but ſhall be omitted by the perſon adminiſtering the ſame; and that it ſhall not be neceſſary, in order to entitle a Papiſt or perſon profeſſing the Popiſh or Roman Catholic religion to vote at an election of members to ſerve in Parliament, that he ſhould at, or previous to his voting, take the oaths of allegiance and abjuration, any ſtatute now in force to the contrary of any of the ſaid matters in any wiſe notwithſtanding.

2. Provided always, and be it further enacted, That all Papiſts or perſons profeſſing the Popiſh or Roman Catholic religion, who may claim to have a right of voting for members to ſerve in Parliament, or of voting for magiſtrates in any city, town corporate, or borough, within this kingdom, be hereby required to perform all qualifications, regiſtries, and other requiſites,

requiſites, which are now required of his Majeſty's Proteſtant ſubjects in like caſes by any law or laws now of force in this kingdom, ſave and except ſuch oaths and parts of oaths as are herein before excepted.

3. And provided always, That nothing herein before contained ſhall extend, or be conſtrued to extend to repeal, or alter any law or act of Parliament now in force, by which certain qualifications are required to be performed by perſons enjoying any offices or places of truſt under his Majeſty, his heirs and ſucceſſors, other than as herein after is enacted.

4. Provided alſo, That nothing herein contained ſhall extend or be conſtrued to extend to give Papiſts or perſons profeſſing the Popiſh religion a right to vote at any pariſh veſtry for levying money to rebuild or repair any pariſh church, or reſpecting the demiſing or diſpoſal of the income of any eſtate belonging to any church or pariſh, or for the ſalary of the pariſh clerk, or at the election of any church-warden.

5. Provided always, That nothing contained in this act ſhall extend to or be conſtrued to affect any action or ſuit now depending, which ſhall have been brought or inſtituted previous to commencement of this ſeſſion of Parliament.

6. Provided alſo, That nothing herein contained ſhall extend to authoriſe any Papiſt or perſon profeſſing the Popiſh or Roman Catholic religion, to have or keep in his hands or poſſeſſion any arms, armour, ammunition, or any warlike ſtores, ſword-blades, barrels, locks, or ſtocks of guns or fire-arms, or to exempt ſuch perſon from any forfeiture or penalty inflicted by any act reſpecting arms, armour, or ammunition, in the hands or poſſeſſion of any Papiſt, or reſpecting Papiſts having or keeping ſuch warlike ſtores, ſave and except Papiſts or perſons of the Popiſh or Roman Catholic religion ſeized of a freehold

a freehold eſtate of one hundred pounds a year, or poſſeſſed of a perſonal eſtate of one thouſand pounds or upwards, who are hereby authoriſed to keep arms and ammunition as Proteſtants now by law may; and alſo ſave and except Papiſts or Roman Catholics poſſeſſing a freehold eſtate of ten pounds yearly value, and leſs than one hundred pounds, or a perſonal eſtate of three hundred pounds, and leſs than one thouſand pounds, who ſhall have at the ſeſſion of the peace in the county in which they reſide taken the oath of allegiance preſcribed to be taken by an act paſſed in the thirteenth and fourteenth years of his preſent Majeſty's reign, entitled, "An Act to "enable his Majeſty's Subjects, of whatever Perſuaſion, to "teſtify their Allegiance to him;" and alſo, in open court, ſwear and ſubſcribe an affidavit that they are poſſeſſed of a freehold eſtate yielding a clear yearly profit to the perſon making the ſame of ten pounds, or a perſonal property of three hundred pounds above his juſt debts, ſpecifying therein the name and nature of ſuch freehold, and nature of ſuch perſonal property; which affidavits ſhall be carefully preſerved by the clerk of the peace, who ſhall have for his trouble a fee of ſixpence, and no more, for every ſuch affidavit; and the perſon making ſuch affidavits, and poſſeſſing ſuch property, may keep and uſe arms and ammunition as Proteſtants may, ſo long as they ſhall reſpectively poſſeſs a property of the annual value of ten pounds and upwards, if freehold, or the value of three hundred pounds if perſonal, any ſtatute to the contrary notwithſtanding.

7. And be it enacted, That it ſhall and may be lawful for Papiſts or perſons profeſſing the Popiſh or Roman Catholic religion, to hold, exerciſe, and enjoy all civil and military offices, or places of truſt or profit under his Majeſty, his heirs and ſucceſſors, in this kindom; and to hold or take degrees, or any profeſſorſhip in, or be maſters or fellows of any College to be hereafter founded in this kingdom, provided that ſuch

ſuch college ſhall be a member of the univerſity of Dublin, and ſhall not be founded excluſively for the education of Papiſts or perſons profeſſing the Popiſh or Roman Catholic religion, nor conſiſt excluſively of maſters, fellows, or other perſons to be named or elected on the foundation of ſuch college, being perſons profeſſing the Popiſh or Roman Catholic religion, or to hold any office or place of truſt in, and to be a member of any lay body corporate, except the college of the Holy and undivided Trinity of Queen Elizabeth, near Dublin, without taking and ſubſcribing the oath of allegiance, ſupremacy, or abjuration, or making or ſubſcribing the declaration required to be taken, made, and ſubſcribed, to enable any perſon to hold and enjoy any of ſuch places, and without receiving the Sacrament of the Lord's Supper according to the rites and ceremonies of the Church of Ireland, and law, ſtatute, or bye-law of any corporation to the contrary notwithſtanding; provided that every ſuch perſon ſhall take and ſubſcribe the oath appointed by the act, paſſed in the thirteenth and fourteenth years of his Majeſty's reign, entitled, "An Act to "enable his Majeſty's Subjects, of whatever Perſuaſion, to "teſtify their Allegiance to him;" and alſo the oath and declaration following, that is to ſay:

"I A. B. do hereby declare, that I do profeſs the Roman Catholic religion."

"I A. B. do ſwear, that I do abjure, condemn, and deteſt, as unchriſtian and impious, the principle that it is lawful to murder, deſtroy, or any ways injure any perſon whatſoever for or under the pretence of being a heretic; and I do declare ſolemnly before God, that I believe, that no act in itſelf unjuſt, immoral, or wicked, can ever be juſtified or excuſed by or under pretence or colour that it was done either for the good of the church, or in obedience to any eccleſiaſtical power whatſoever. I alſo declare, that it is not an article

of

of the Catholic faith, neither am I thereby required to believe or profeſs that the Pope is infallible, or that I am bound to obey any order in its own nature immoral, though the Pope, or any eccleſiaſtical power, ſhould iſſue or direct ſuch order; but, on the contrary, I hold that it would be ſinful in me to pay any reſpect or obedience thereto: I further declare, that I do not believe that any ſin whatſoever committed by me can be forgiven at the mere will of any Pope, or of any prieſt, or of any perſon or perſons whatſoever; but that ſincere ſorrow for paſt ſins, a firm and ſincere reſolution to avoid future guilt, and to atone to God, are previous and indiſpenſible requiſites to eſtabliſh a well-founded expectation of forgiveneſs; and that any perſon who receives abſolution without theſe previous requiſites, ſo far from obtaining thereby any remiſſion of his ſins, incurs the additional guilt of violating a ſacrament; and I do ſwear that I will defend, to the utmoſt of my power, the ſettlement and arrangement of property in this country as eſtabliſhed by the laws now in being; I do hereby diſclaim, diſavow, and ſolemnly abjure any intention to ſubvert the preſent church eſtabliſhment, for the purpoſe of ſubſtituting a Catholic eſtabliſhment in its ſtead; and I do ſolemnly ſwear, that I will not exerciſe any privilege to which I am or may become entitled, to diſturb and weaken the Proteſtant religion and Proteſtant government in this kingdom.

"So help me God."

8. And be it enacted, That Papiſts, or perſons profeſſing the Popiſh or Roman Catholic religion, may be capable of being elected profeſſors of medicine upon the foundation of Sir Patrick Dunne, any law or ſtatute to the contrary notwithſtanding.

9. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend to enable

any perſon to ſit or vote in either Houſe of Parliament, or to hold, exerciſe, or enjoy the Office of Lord Lieutenant, Lord Deputy, or other Chief Governor or Governors of this kingdom, Lord High Chancellor or Keeper, or Commiſſioner of the Great Seal of this kingdom, Lord High Treaſurer, Chancellor of the Exchequer, Chief Juſtice of the Court of King's Bench or Common Pleas, Lord Chief Baron of the Court of Exchequer, Juſtice of the Court of King's Bench or Common Pleas, or Baron of the Court of Exchequer, Judge of the High Court of Admiralty, Maſter or Keeper of the Rolls, Secretary of State, Keeper of the Privy Seal, Vice-Treaſurer, Teller and Caſhier of the Exchequer, or Auditor General, Lieutenant or Governor, or *Cuſtos Rotulorum* of Counties, Secretary to the Lord Lieutenant, Lord Deputy, or other Chief Governor or Governors of this kingdom, Member of his Majeſty's moſt honourable Privy Council, Prime Serjeant, Attorney-General, Solicitor-General, Second and Third Serjeants at Law, or King's Council, Maſters in Chancery, Provoſt, or Fellow of the College of the holy and undivided Trinity of Queen Elizabeth, near Dublin; Poſt-Maſter General, Maſter and Lieutenant General of his Majeſty's Forces, Generals on the Staff, and Sheriffs, and Sub-ſheriffs of any County in this kingdom; or any office contrary to the rules, orders, and directions made and eſtabliſhed by the Lord Lieutenant and Council, in purſuance of the act paſſed in the ſeventeenth and eighteenth years of the reign of King Charles the Second, entitled, "An Act for the explaining of ſome "Doubts ariſing upon an Act, entitled, An Act for the "better Execution of his Majeſty's gracious Declaration for "the Settlement of his Kingdom of Ireland, and Satisfaction "of the ſeveral Intereſts of Adventurers, Soldiers, and other "his Majeſty's Subjects there, and for making ſome alterations of, and additions unto the ſaid Act, for the more "ſpeedy and effectual Settlement of this Kingdom," unleſs he ſhall have taken, made, and ſubſcribed the oaths and declaration,

claration, and performed the ſeveral requiſites which by any law heretofore made, and now of force, are required to enable any perſon to ſit or vote, or to hold, exerciſe, and enjoy the ſaid offices reſpectively.

10. Provided alſo, and be it enacted, That nothing in this act contained ſhall enable any Papiſt, or perſon profeſſing the Popiſh or Roman Catholic religion, to exerciſe any right of preſentation to any eccleſiaſtical benefice whatſoever.

11. And be it enacted, That no Papiſt, or perſon profeſſing the Popiſh or Roman Catholic religion, ſhall be liable to, or ſubject to any penalty for not attending divine ſervice on the Sabbath-day, called Sunday, in his or her pariſh church.

12. Provided alſo, and be it enacted, That nothing herein contained ſhall be conſtrued to extend to authoriſe any popiſh prieſt, or reputed popiſh prieſt, to celebrate marriage between proteſtant and proteſtant, or between any perſon who hath been, or profeſſed himſelf or herſelf to be a proteſtant at any time within twelve months before ſuch celebration of marriage, and a papiſt, unleſs ſuch proteſtant and papiſt ſhall have been firſt married by a clergyman of the proteſtant religion; and that every popiſh prieſt, or reputed popiſh prieſt, who ſhall celebrate any marriage between two proteſtants, or between any ſuch proteſtant and papiſt, unleſs ſuch proteſtant and papiſt ſhall have been firſt married by a clergyman of the proteſtant religion, ſhall forfeit the ſum of five hundred pounds to his Majeſty, upon conviction thereof.

13. And whereas it may be expedient, in caſe his Majeſty, his heirs and ſucceſſors, ſhall be pleaſed to alter the ſtatutes of the College of the holy and undivided Trinity, near Dublin, and of the univerſity of Dublin, as to enable perſons profeſſing the Roman catholic religion to enter into or to take

degrees in the ſaid univerſity, to remove any obſtacle which now exiſts by ſtatute law; be it enacted, That from and after the firſt day of June one thouſand ſeven hundred and ninety-three, it ſhall not be neceſſary for any perſon, upon taking any of the degrees uſually conferred by the ſaid univerſity, to make or ſubſcribe any declaration, or to take any oath, ſave the oaths of allegiance and abjuration, any law or ſtatute to the contrary notwithſtanding.

14. Provided always, That no papiſt or Roman catholic, or perſon profeſſing the Roman catholic or popiſh religion, ſhall take any benefit by or under this act, unleſs he ſhall have firſt taken and ſubſcribed the oath and declaration in this act contained and ſet forth, and alſo the ſaid oath appointed by the ſaid act paſſed in the thirteenth and fourteenth years of his Majeſty's reign, entitled, "An Act to enable his Ma-"jeſty's Subjects, of whatever Perſuaſion, to teſtify their "Allegiance to him," in ſome one of his Majeſty's four courts in Dublin, or at the general ſeſſions of the peace, or at any adjournment thereof to be holden for the county, city, or borough wherein ſuch papiſt or Roman catholic, or perſon profeſſing the Roman catholic or popiſh religion, doth inhabit or dwell, or before the going judge or judges of aſſize, in the county wherein ſuch papiſt or Roman catholic, or perſon profeſſing the Roman catholic or popiſh religion, doth inhabit and dwell, in open court.

15. Provided always, and be it enacted, That the names of ſuch perſons as ſhall ſo take and ſubſcribe the ſaid oaths and declaration, with their titles and additions, ſhall be entered upon the rolls for that purpoſe to be appointed by ſaid reſpective courts; and that the ſaid rolls, once in every year, ſhall be tranſmitted to, and depoſited in the rolls office in this kingdom, to remain amongſt the records thereof; and the maſters or keepers of the rolls in this kingdom, or their lawful

ful deputy or deputies, are hereby empowered and required to give and deliver to ſuch perſon or perſons ſo taking and ſubſcribing the ſaid oaths and declaration, a certificate or certificates of ſuch perſon or perſons having taken and ſubſcribed the ſaid oaths and declaration, for each of which certificates the ſum of one ſhilling and no more ſhall be paid.

16. And be it further provided and enacted, That from and after the firſt day of April one thouſand ſeven hundred and ninety-three, no freeholder, burgeſs, freeman, or inhabitant of this kingdom, being a papiſt or Roman catholic, or perſon profeſſing the Roman catholic or popiſh religion, ſhall at any time be capable of giving his vote for the electing of any knight or knights of any ſhire or county within this kingdom, or citizen or burgeſs to ſerve in any Parliament, until he ſhall have firſt produced and ſhewn to the high ſheriff of the ſaid county, or his deputy or deputies, at any election of a knight or knights of the ſaid ſhire, and to the reſpective chief officer or officers of any city, borough, or town corporate to whom the return of any citizen or burgeſs to ſerve in Parliament, doth or ſhall reſpectively belong, at the election of any citizen or burgeſs to ſerve in Parliament, ſuch certificate of his having taken and ſubſcribed the ſaid oaths and declaration, either from the rolls office, or from the proper officer of the court in which the ſaid oaths and declaration ſhall be taken and ſubſcribed; and ſuch perſon being a freeholder, freeman, burgeſs, or inhabitant, ſo producing and ſhewing ſuch certificate, ſhall be then permitted to vote as amply and fully as any proteſtant freeholder, freeman, burgeſs, or inhabitant of ſuch county, city, borough, or town corporate, but not otherwiſe.*

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* As no further conceſſions have been made to the Catholics, it may be as well to enumerate here, as in any other place, the various diſabilities to which they are ſtill liable.

Education.—They cannot teach ſchool, unleſs they take the oaths of 13th, 14th Geo. III. c. 35. They cannot take Proteſtant ſcholars, or be ushers to Proteſtant ſchoolmaſters, 32d Geo. III. c. 20.

Guardianſhip.

The general committee, in teſtimony of their gratitude to the King for this moſt important conceſſion, preſented the following addreſs to the Lord

Guardianſhip—They cannot be guardians, unleſs they take the oaths of 13th, 14th Geo. III. c. 35 If eccleſiaſtics, they cannot, under any circumſtances, be guardians; nor can any Catholic be guardian to a child of a Proteſtant, 30th Geo. III c 29

Marriage.—If a Catholic clergyman marries a Proteſtant and a Catholic, the marriage is null and void, and he is liable to ſuffer death, 32d Geo. III. c. 21.

Self-defence—No Catholic can keep arms, unleſs he poſſeſſes a freehold eſtate of 10l. per annum, or a perſonal eſtate of 300l. If ſo qualified, he muſt further qualify himſelf by taking the oaths of 13th, 14th Geo. III. c. 35.; unleſs he has a freehold eſtate of 100l per annum, or a perſonal eſtate of 1000l. 33d Geo. III. c. 21.

Exerciſe of Religion—The Catholic clergy muſt take the oaths of 13th, 14th Geo. III. c. 35 and regiſter their place of abode, age, and pariſh. No chapel can have a ſteeple or bell, no funeral can take place in any church or chapel-yard, and no rites or ceremonies of the religion or habits of their order are permitted, except within their ſeveral places of worſhip or in private houſes, 21ſt, 22d Geo. III. c. 24. § 6.

Property.—The laws of Anne are in force againſt all Catholics who do not take the oaths of 13th, 14th Geo. III. c. 35.; and alſo againſt all Proteſtants who may have lapſed or become converts to the Catholic religion.

Franchiſes.—No Catholic can hold any of the offices enumerated in § 9. of an act here inſerted.

Catholics cannot ſit in Parliament. They cannot vote at elections for members without taking the oaths of the 13th, 14th Geo. III. c. 35. and of 33d Geo. III. c. 21. They cannot vote at veſtry's. They cannot be barriſters, attorneys, or profeſſors of medicine on Sir P. Dunne's foundation, without taking the oaths of 13th, 14th Geo. III. c. 35 and of 33d Geo. III. c. 21.; or even fowlers and game-keepers

Catholic Soldiers, by the mutiny act, if they refuſe to frequent the Church of England worſhip, when ordered to do ſo by their commanding officer, ſhall, for the firſt offence, forfeit 2d.; and, for the ſecond, not only forfeit 12d. but be laid in irons for 12 hours; and, by the 2d ſection, art. 5. of the articles of war, the puniſhment even extends to that of death.

An Iriſh Catholic officer or ſoldier on landing in Great Britain, Jerſey, or Guernſey, is immediately liable to the penalty, among others, the Engliſh act 1ſt Geo. I. c. 13 of forfeiting 300l.

Catholics are excluded from holding the offices of Governor, Deputy-Governor or Director of the Bank of Ireland.

No part, ſcarcely, in fact, of the penal code is repealed, but all of it is now the law of the land, and in full force againſt thoſe Catholics who have not qualified themſelves for relief from its violence, by taking the oaths of 13th, 14th Geo. III. c. 35. or who may have lapſed or become converts to the Catholic religion.

Lord Lieutenant, to be by him tranſmitted to his Majeſty.

Moſt Gracious Sovereign,

We your Majeſty's moſt dutiful and loyal ſubjects the Catholics of Ireland, animated with ſentiments of the moſt lively gratitude, beg leave to approach your Majeſty with our ſincere and heartfelt thanks, for the ſubſtantial benefits, which, through your Majeſty's gracious recommendations, we have received from the wiſdom and liberality of Parliament.

Impreſſed with a deep ſenſe of your Majeſty's goodneſs, we reflect, that, in conſequence of this laſt and ſignal inſtance of your royal favour, the diſabilities under which we and our anceſtors ſo long laboured, have, in a conſiderable degree, been removed, the conſtitutional energy of three-fourths of your loyal ſubjects reſtored to their country, and themſelves enabled to teſtify, in a manner more uſeful to your Majeſty's ſervice, their devoted attachment to your perſon, family, and government. Reſtored, as we now are, to ſuch valuable privileges, it ſhall be our duty, as it is our inclination, to unite in ſupport of our excellent conſtitution, as eſtabliſhed in King, Lords, and Commons:—A conſtitution revered by us for its excellence, even when ſecluded from its bleſſings, and from which every advantage we derive becomes a new tie of fidelity and attachment.

Permit us, moſt gracious Sovereign, to expreſs our unfeigned ſatisfaction, that, to a Monarch endeared to us by ſo many proofs of clemency, belongs the glorious diſtinction of being the firſt to begin that work of emancipation, in the accompliſhment of which, we humbly hope, your Majeſty will enjoy the gratification of ſeeing your whole people united in the bonds of equal law and equal liberty.

May

May your Majeſty long continue to reign in the hearts of your faithful ſubjects, diſpenſing, as common father to all your people, the ineſtimable bleſſings of freedom, peace, and union.

The committee likewiſe addreſſed Lord Weſtmoreland! That liberal and conſiſtent Lord Lieutenant, who, in 1790, would not admit the loyal Catholics of Cork *to hope* for any relief from their diſabilities; who, in 1792, ſet on foot the violent reſolutions of the corporations and grand juries againſt all conceſſions to the Catholics; and who, in 1793, was not aſhamed to retrace his ſteps, and become the public organ of his Majeſty's more benevolent and enlightened policy.

Although this act declared that Catholics might hold any military office or employment, as its powers could not extend out of Ireland, and as all Iriſh Catholic ſoldiers, ſailors, and officers, were uniformly employed on ſervices out of Ireland, it was repreſented to the government, that, in order to give it any uſeful effect in this reſpect, the Engliſh act of 1ſt Geo. I. which prohibits Catholics from filling any military ſituation, ſhould be repealed. In anſwer to their application, the Catholics were informed by Lord Hobart, that ſuch a meaſure

meaſure would be immediately adopted, and the letter of the Secretary of State was ſhewn to them, containing the promiſe of the Engliſh government. In the Houſe of Lords, when, upon the debate of this act, Lord Farnham propoſed an amendment to the clauſe relating to the military officers, by rendering its operation conditional, until England ſhould paſs a ſimilar law, the Chancellor, Lord Clare, oppoſed it; "for," ſaid he, "it could not "be ſuppoſed that his Majeſty would appoint a "man to ſuch a poſt until the laws of the empire "ſhould fully qualify him to act in every part of "it. It was more than probable a ſimilar law to "this would be adopted in England before the "lapſe of two months, and, on this ground, the "amendment would be wholly unneceſſary."

Fourteen years, however, were allowed to paſs by without any ſuch law having been attempted to be adopted in England; and, when the late Miniſters ſought to reſcue the plighted faith of their predeceſſors from well merited reproach, they were accuſed of an attempt to ſubvert the eſtabliſhed church, and driven from the councils of his Majeſty as the allies of the Pope and the inſtruments of Bonaparte.

In the courſe of this year a moſt unequivocal proof was given of the liberal ſentiments which prevailed throughout the Proteſtants of the North of Ireland, in regard to their Catholic fellow-countrymen. At the meeting of the convention of delegates, which was held in February at Dungannon, and in which the counties of Antrim, Down, Londonderry, Tyrone, Donegal, and Monaghan, were fully repreſented, they paſſed reſolutions in favour of the abſolute neceſſity of a reform in Parliament, including the unqualified admiſſion of the Catholics. The Synod of Ulſter alſo (a body conſiſting of the whole diſſenting clergy of the North, and the Preſbytery of Dublin, together with a lay delegate from each pariſh) preſented an addreſs to the Lord Lieutenant, in which they expreſſed their ſatisfaction at the admiſſion of the Catholics to the privileges of the conſtitution.

Theſe occurrences are of vaſt importance in forming a correct view of the opinion of the Iriſh Proteſtants upon this queſtion; becauſe the Preſbyterians being in numbers fully equal to the Proteſtants of the Church of England, it leaves

but

but a ſmall number of the whole people adverſe to the Catholic claims, even if all theſe Proteſtants were, as they certainly are not, hoſtile to emancipation.

During this ſeſſion, another ſubject occupied the ſerious attention of the upper-houſe of Parliament. Diſturbances had broken out, and outrages were committed in the county of Louth, and the neighbouring counties of Meath, Cavan, and Monaghan, by perſons of the very loweſt rank in life, aſſociated under the name of defenders. This body had its origin in religious perſecution, and was an almoſt inevitable conſequence of the ſyſtem, according to which Ulſter had been colonized and ſettled, and Ireland ruled ſince the reformation. In that province Engliſh and Scotch planters had been eſtabliſhed on the forfeited lands of the native Catholics. Theſe laſt were, for the moſt part, obliged to retire to the bogs and mountains; but, even there, they were not permitted to loſe the remembrance of their forefathers, their power and their opulence, in the tranquil enjoyment of ſecurity and content. The bogs and mountains afforded them no refuge

againſt the acts of uniformity and ſupremacy, or the accumulating oppreſſions of the Popery laws. Nor were the wretched inhabitants exempted by their defenceleſs condition from the hatred, contempt, and perſecution of their privileged and arrogant neighbours. Hence aroſe a mutual rancorous animoſity between the new ſettlers and natives; or, in other words, between the Proteſtants and Catholics, tranſmitted from generation to generation, until at laſt it became more violent and intolerant than in any other part of Ireland.

The volunteers, by the benign influence of their inſtitution, had, for the firſt time, conſiderably abated this ſpirit; and, by their ſucceſsful activity as military men, in keeping the peace, had prevented its receiving freſh provocation by outrage and inſult. But in proportion as this body declined, or was diſcouraged, prejudices and hatred revived, eſpecially in diſtricts remote from the principal preſbyterian towns, where the growing liberality of the moſt enlightened diſſenters could ſcarcely operate. Theſe prejudices, which chiefly prevailing in the county of Armagh*, extended, leſs

* *Lord Viscount Gosford's Address to the Grand Jury of Armagh.*
Gentlemen—Having requeſted your attendance here this day,

leſs or more, into the adjoining diſtricts of the counties of Down and Tyrone, began to break out

day, it becomes my duty to ſtate the grounds upon which I thought it adviſeable to propoſe this meeting, and at the ſame time to ſubmit to your conſideration a plan which occurs to me as moſt likely to check the enormities that have already brought diſgrace upon this country, and may ſoon reduce it into deep diſtreſs. It is no ſecret, that a perſecution, accompanied with all the circumſtances of ferocious cruelty, which have in all ages diſtinguiſhed that dreadful calamity, is now raging in this country. Neither age nor ſex, or even acknowledged innocence as to any guilt in the late diſturbances, is ſufficient to excite mercy, much leſs to afford protection.

The only crime which the wretched objects of this ruthleſs perſecution are charged with, is a crime, indeed, of eaſy proof; it is ſimply a profeſſion of the Roman catholic faith, or an intimate connection with a perſon profeſſing this faith. A lawleſs banditti have conſtituted themſelves judges of this new ſpecies of delinquency, and the ſentence they have denounced is equally conciſe and terrible! It is nothing leſs than a confiſcation of all property, and an immediate baniſhment. It would be extremely painful, and ſurely unneceſſary, to detail the horrors that attend the execution of ſo rude and tremendous proſcription—a proſcription that certainly exceeds in the comparative number of thoſe it conſigns to ruin and miſery, every example that ancient and modern hiſtory can ſupply: for, where have we heard, or in what ſtory of human cruelties have we read of more than half the inhabitants of a populous country deprived at one blow of the means as well as of the fruits of their induſtry, and driven, in the midſt of an inclement ſeaſon, to ſeek a ſhelter for themſelves and

out in the year 1791. About that period ſeveral aſſociations, among the lower orders of the Proteſtants,

and their helpleſs families where chance may guide them. This is no exaggerated picture of the horrid ſcenes now acting in this county. Yet ſurely it is ſufficient to awaken ſentiments of indignation and compaſſion in the coldeſt boſoms. Theſe horrors are now acting with impunity. The ſpirit of impartial juſtice (without which law is nothing better than an inſtrument of tyranny) has for a time diſappeared in this county, and the ſupineneſs of the magiſtracy of Armagh is become a common topic of converſation in every corner of the kingdom.

It is ſaid in reply, the catholics are dangerous; they may be ſo—they may be dangerous from their numbers, and ſtill more dangerous from the unbounded views they have been encouraged to entertain; but I will venture to aſſert, without fear of contradiction, that theſe proceedings are not more contrary to humanity than they are to ſound policy. It is to be lamented, that no civil magiſtrate happened to be preſent with the military detachment on the night of the 21ſt inſtant; but, I truſt, the ſuddenneſs of the occaſion, the unexpected and inſtantaneous aggreſſion on the part of the delinquents, will be univerſally admitted as a full vindication of the conduct of the officer, and the party acting under his command. Gentlemen, I have the honour to hold a ſituation in this county, which calls upon me to deliver my ſentiments, and I do it without fear and without diſguiſe. I am as true a proteſtant as any gentleman in this room, I inherit a property which my family derived under a proteſtant title, and, with the bleſſing of God, I will maintain that title to the utmoſt of my power. I will never conſent to make a ſacrifice of

proteſtant

teſtants, were formed, under the appellation of *Peep-a-day Boys*, whoſe object was to ſcour the Catholic

proteſtant aſcendancy to catholic claims, with whatever menace they may be urged, or however ſpeciouſly or invidiouſly ſupported. Conſcious of my ſincerity in this public declaration, which I do not make unadviſedly, but as the reſult of mature deliberation, I defy the paltry inſinuations that malice or party-ſpirit may ſuggeſt.

I know my own heart, and I ſhould deſpiſe myſelf, if, under any intimidation, I could cloſe my eyes againſt ſuch ſcenes as preſent themſelves on every ſide, or my ears againſt the complaints of a perſecuted people.

I ſhould be guilty of an unpardonable injuſtice to the feelings of gentlemen here preſent, were I to ſay more on this ſubject. I have now acquitted myſelf to my conſcience and my country, and take the liberty of propoſing the following reſolutions:

1ſt. That it appears to this meeting, that the county of Armagh is at this moment in a ſtate of uncommon diſorder; that the Roman catholic inhabitants are grievouſly oppreſſed by lawleſs perſons unknown, who attack and plunder their houſes by night, and threaten them with inſtant deſtruction, unleſs they immediately abandon their lands and habitations.

2d. That a committee of magiſtrates be appointed to ſit on Tueſdays and Saturdays in the chapter-room in the town of Armagh, to receive information againſt all perſons of whatever deſcription, who diſturb the peace of this county.

3d.

Catholic diſtricts about the break of day, and ſtrip the inhabitants of fire-arms, alledging that they were warranted in ſo doing by the Popery laws, which had indeed for a long period forbidden, to the members of that communion, the uſe of arms, even for ſelf-defence.

The Catholics, thus expoſed and attacked, entered into a counter-aſſociation called defenders, which derived its name from the neceſſity of their ſituation,

3d. That the inſtruction of the whole body of magiſtrates to their committee ſhall be to uſe every legal means within their power to ſtop the progreſs of the perſecution now carrying on by an ungovernable mob againſt the Roman catholic inhabitants of this county.

4th. That ſaid committee, or any three of them, be empowered to expend any ſum or ſums of money, for information or ſecret ſervice, out of the fund ſubſcribed by the gentlemen of this county.

5th. That a meeting of the whole body of the magiſtracy be held every ſecond Monday, at the houſe of Mr. Charles M'Reynolds, in the town of Armagh, to hear the reports of the committee, and to give ſuch further inſtructions as the exigence of the caſe may require.

6th. That offenders of every deſcription in the preſent diſturbances ſhall be proſecuted out of the fund ſubſcribed by the gentlemen of this county.

ſituation, and its excuſe from the difficulty, or as they ſtated, the impoſſibility of obtaining juſtice againſt their aggreſſors. This aſſociation, at firſt local and confined, as much as mutual hatred would allow, to actual ſelf-defence, began in 1792 to ſpread through other parts of the kingdom, and not a little to connect itſelf with more general politics.

In proportion as this aſſociation extended itſelf into diſtricts where no Proteſtants of inferior rank in life were to be found, and therefore no outrages like thoſe committed by the *Peep-a-day Boys* to be apprehended, it gradually loſt its characteriſtic of being a religious feud, and became, in fact, an aſſociation of the very loweſt orders, particularly for procuring a redreſs of the grievances of the very loweſt orders. Even in the counties where it originated, it ceaſed to be actuated by religious animoſity before the end of 1792, in conſequence of the exertions of the early United Iriſhmen, whoſe chief endeavours were always directed to reconcile the Proteſtants and Catholics*.

 Theſe

* This very accurate account of the origin and progreſs of the defenders is taken from a late publication in America.

Theſe diſturbances having attracted the attention of the Houſe of Lords early in 1793, a ſecret committee was appointed to inquire into their cauſes, to endeavour to diſcover their promoters, and to prevent their extenſion.

In their report they exculpate the Catholics as a body from all criminality with reſpect to theſe proceedings. They ſay, "That nothing appeared "before them which could lead them to believe "that the body of the Roman Catholics in this "kingdom were concerned in promoting or coun-"tenancing ſuch diſturbances;" and then they even acquit the lower orders of Catholics of being to blame, by ſaying, "That if all the Magiſtrates "in the diſturbed counties had followed the "ſpirited example of the few, who, much to their "honour, exerted themſelves with vigour and "courage to ſupport the laws, the committee are "perſuaded, that theſe diſturbances might have "been ſuppreſſed; but, inſtead of doing ſo, they "remained inactive."

In further corroboration of the innocence of the Catholics, there is the following declaration of one

one of the members of the committee in the debate on the Catholic bill. Lord Portarlington ſaid, "That if he was not fully convinced that "the Catholic body had no connection whatever "in the diſturbances created by ſome of their "communion in the North, he ſhould never give "this bill his ſupport."

The Catholic clergy, who have been uniformly ready to promote tranquillity, and inculcate the obligation of a ſtrict ſubmiſſion to the laws, were not backward, on this occaſion, in aſſiſting government to ſuppreſs the outrages of the defenders. Dr. Troy, Dr. O'Reilly, Dr. Bray, Dr. Bellew, and Dr. Cruiſe, all of them titular biſhops, happening to be in Dublin when the buſineſs was firſt taken up to the Houſe of Lords, publiſhed the following admonition to thoſe of their communion, and directed the prieſts of their dioceſes to read it in their reſpective chapels.

Dear Chriſtians, Dublin, January 25, 1793.

It has been our conſtant practice, as it is our indiſpenſable duty, to exhort you to manifeſt on all occaſions, that unſhaken loyalty to his Majeſty, and obedience to the laws, which the principles of our holy religion inſpire and command. This loyalty and obedience have ever peculiarly diſtinguiſhed the Roman Catholics of Ireland. We do not conceive a doubt

of their being actuated at preſent by the ſame ſentiments; but think it neceſſary to obſerve, that a moſt lively gratitude to our beloved Sovereign ſhould render their loyalty and love of order, if poſſible, more conſpicuous. Our gracious King, the common father of all his people, has, with peculiar energy, recommended his faithful Roman Catholic ſubjects of this kingdom to the wiſdom and liberality of our enlightened Parliament. How can we, dear Chriſtians, expreſs our heartfelt acknowledgment for this ſignal and unprecedented inſtance of royal benevolence and condeſcenſion! Words are inſufficient; but your continued and peaceable conduct will more effectually proclaim them, and in a manner equally, if not more ſatisfactory and pleaſing to his Majeſty and his Parliament. Avoid then, we conjure you, deareſt brethren, every appearance of riot: attend to your induſtrious purſuits for the ſupport and comfort of your families; fly from idle aſſemblies; abſtain from the intemperate uſe of ſpirituous and intoxicating liquors; practiſe the duties of our holy religion: this conduct, ſo pleaſing to Heaven, will alſo prove the moſt powerful recommendation of your preſent claims to our amiable Sovereign, to both Houſes of Parliament, to the magiſtrates, and to all our well meaning fellow-ſubjects of every deſcription. None but the evil-minded can rejoice in your being concerned in any diſturbance.

We cannot but declare our utmoſt and conſcientious deteſtation and abhorrence of the enormities lately committed by ſeditious and miſguided wretches of every religious denomination, in ſome counties of this kingdom; they are enemies to God and man, the outcaſts of ſociety, and a diſgrace to Chriſtianity: we conſider the Roman Catholics amongſt them unworthy the appellation; whether acting from themſelves, or ſeduced to outrage by arts of deſigning enemies to us, and to national proſperity, intimately connected with our emancipation.

Offer

Offer your prayers, deareſt brethren, to the Father of mercy, that he may inſpire theſe deluded people with ſentiments becoming Chriſtians and good ſubjects; ſupplicate the Almighty Ruler and Diſpoſer of empires, by whom kings rule and legiſlators determine what is juſt, to direct his Majeſty's councils, and forward his benevolent intentions to unite all his Iriſh ſubjects in bonds of common intereſt, and common endeavours for the preſervation of peace and good order, and for every purpoſe tending to encreaſe and ſecure national proſperity.

Beſeech the throne of Mercy alſo, to aſſiſt both Houſes of Parliament in their important deliberations; that they may be diſtinguiſhed by conſummate wiſdom and liberality, for the advantage of the kingdom, and the relief and happineſs of his Majeſty's ſubjects.

Under the pleaſing expectations of your cheerful compliance with theſe our earneſt ſolicitations, we moſt ſincerely wiſh you every bleſſing in this life, and everlaſting happineſs in the next; through our Lord Jeſus Chriſt. Amen.

At the cloſe of the ſeſſions of Parliament, Lord Weſtmorland began his ſpeech from the throne with theſe words, "The wiſdom and liberality "with which you attended to his Majeſty's royal "recommendation in favour of his Roman Catho-"lic ſubjects, are highly pleaſing to the King." Did, then, Mr. Pitt put into the mouth of the Viceroy what was not true; or does his Majeſty not conſider that policy to be wiſe and liberal in

1808,

1808, which he thought ſo wiſe and liberal in 1793? It will be well for thoſe who run away with an opinion, that the King is and always has been ſeverely adverſe to conceſſions to the Catholics of Ireland, to examine the various documents of this kind which are to be found in the hiſtory of the conceſſions which have been made during his reign. Let them compare the opinions contained in theſe documents with thoſe which are now imputed to his Majeſty; and let them compare the conceſſions which have been granted with thoſe which remain to be granted, and the concluſion which they muſt draw from ſuch a compariſon is this, that it is abſolutely impoſſible that there can be any foundation whatever for thoſe aſſertions which have been of late ſo loudly re-echoed from one end of the empire to the other, that his Majeſty entertains a conſcientious objection to the complete emancipation of the Catholics. But to ſay, that it is impoſſible to believe them, is to ſay but little; it amounts to no leſs than a libel upon his Majeſty's character to maintain doctrines ſo entirely irreconcileable with the whole tenor of his reign.

In

In the ſummer of 1794, Mr. Pitt formed his memorable coalition with the Rockingham party; and though the ground of this tranſaction was a concurrence of opinion concerning the war with France, "if the general management and ſuper-"intendance of Ireland had not been offered to "the Duke of Portland, that coalition could "never have taken place: The ſentiments that "he had entertained, and the language he had "held ſo publicly for years back on the ſubject, "rendered the ſuperintendance of Iriſh affairs a "point that could not be diſpenſed with by "him."* It having thus become a point that could not be diſpenſed with by the Duke of Portland† to grant the Catholics of Ireland complete emancipation, the firſt meaſure of his Grace, immediately upon the coalition being arranged, was to ſolicit Lord Fitzwilliam to accept of the office of Lord Lieutenant, and to propoſe to him to carry this meaſure inſtantly into effect.‡ This meaſure was decided upon by the Cabinet on the day

* Letter from Lord Fitzwilliam to Lord Carliſle.

† The reader may poſſibly ſuppoſe that this Duke of Portland is not the Duke of Portland now at the head of the preſent Adminiſtration. He may, however, rely upon it, that the fact is ſo.

‡ Lord Fitzwilliam's letter to Lord Carliſle.

day the Duke of Portland kiſſed hands, after frequent conſultations between Mr. Pitt, the Duke of Portland, Lord Fitzwilliam, Mr. Grattan, and Mr. Ponſonby.*

Lord Fitzwilliam having acceded to the preſſing ſolicitations of the Duke of Portland, to undertake to carry this favourite and indiſpenſable meaſure into effect, landed in Dublin on the 2d of January. He had conſented not to bring the queſtion forward on the part of government, but rather to endeavour to keep it back until a period of more general tranquillity; "*but it had been reſolved by* "*the Cabinet, that, if the Catholics ſhould appear* "*determined to ſtir the buſineſs, and bring it be-*"*fore Parliament, then he was to give it a hand-*"*ſome ſupport on the part of government.*"† But no ſooner was Lord Fitzwilliam landed than he found this determination had been taken by the Catholics.

The Catholics of Dublin had held a meeting on the 23d of December, and agreed to a petition to Parliament, claiming the repeal of all the penal laws. Similar petitions had been agreed to throughout

* Lord Fitzwilliam's letter to Lord Carliſle. † Ibid.

throughout the whole kingdom, the natural conſequences of its being known for ſome months, that ſo ſteady and ſtrenuous a friend to emancipation as the Duke of Portland had become one of his Majeſty's Miniſters. Lord Fitzwilliam finding, therefore, that the queſtion would force itſelf upon his immediate conſideration, communicated his opinion and intentions to the Engliſh government, on the third day after his arrival, in the following terms: "That, not to grant chearfully, on the part of government, all the Catholics wiſhed for, would not only be exceedingly impolitic, but perhaps dangerous; that in doing this no time was to be loſt; that the buſineſs would preſently be at hand; and that, *if he received no very peremptory directions to the contrary*, he would acquieſce to the wiſhes of the Catholics."*

Parliament met on the 22d of January, and on the 12th of February, "no peremptory directions to the contrary having arrived," though ſo much time had elapſed ſince Lord Fitzwilliam had communicated his intentions to the Engliſh government, Mr. Grattan, with the conſent of

* Lord Fitzwilliam's letter to Lord Carliſle.

Lord Fitzwilliam, moved for leave to bring in a bill for the farther relief of the Catholics.

Meanwhile the Engliſh Cabinet forgot the ſtipulations which they had entered into with Lord Fitzwilliam, "*that if the Catholics ſhould* "*appear determined to ſtir the buſineſs and bring* "*it before Parliament, he was to give it a hand-* "*ſome ſupport on the part of government,*" and the Duke of Portland was directed by Mr. Pitt to inform Lord Fitzwilliam, that, notwithſtanding the length to which the Iriſh government had gone, it muſt retrace its ſteps. "Then," ſays Lord Fitzwilliam in his letter to Lord Carliſle, "it appears to have been diſcovered that "the deferring of it would be not merely an ex- "pediency or thing to be deſired for the preſent, "but the means of doing a greater good to the "Britiſh empire, than it has been capable of re- "ceiving ſince the revolution, *or at leaſt ſince the* "*union.*"

Lord Fitzwilliam having refuſed to become an accomplice in the tergiverſation of Mr. Pitt and the Duke of Portland, that fatal meaſure of his recal

recal was determined upon; a meaſure which has involved Ireland in 13 years of ſuffering under military tyranny, inſurrection, and rebellion, and which at length has ſhook the ſtability of the empire to its centre.

Upon a debate in the Houſe of Lords, which took place ſoon after Lord Fitzwilliam's return to England, on the ſubject of his conduct in Ireland, Lord Weſtmorland ſaid, by the directions of Mr. Pitt, "That he had no authority whatever from Miniſters in this country for taking "the ſteps which he had done on the Catholic queſtion." The incorrectneſs, however, of this aſſertion, it is now no very difficult matter to expoſe. In the firſt place, the meaſure of emancipation to the Catholics was originally the meaſure of Mr. Pitt and the Weſtmorland adminiſtration.* "The "moſt ſtrenuous and zealous friends," ſays Lord Fitzwilliam, "of my predeceſſor, claimed the "credit of it for their patron in terms of the "higheſt compliment. They did it in the Houſe "of Commons, they did it in the Houſe of Lords "laſt night. The perſons whom Lord Weſtmor-

* Lord Fitzwilliam to Lord Carliſle.

" land then principally conſulted, oppoſed it, but " the open interference of Lord Hobart, the " avowed determination of the Britiſh Cabinet, " communicated as ſuch to the Catholic agents " on the ſpot, as through the medium of confi- " dential perſons ſent over to England for that " purpoſe, bore down the oppoſition. The decla- " rations of Mr. Pitt and Mr. Dundas are well " known in this country, and are often quoted. " They would not riſk a rebellion in Ireland on " ſuch a queſtion."

Here then is evidence, which has never been diſputed, that, even before Lord Fitzwilliam went to Ireland, the meaſure had been determined upon by Mr. Pitt. The only queſtion, therefore, to be decided, in judging of the truth of Lord Weſtmorland's aſſertion, is, whether or not Mr. Pitt had conſented that the proper time for adopting this meaſure was arrived, when Lord Fitzwilliam was ſent to Ireland. That he had ſo conſented there is in proof " the language which the Duke " of Portland had held ſo publicly for years " back," that the emancipation of the Catholics was indiſpenſably neceſſary. There is the fact of his

his refuſing to coaleſce with Mr. Pitt, unleſs this meaſure was conceded; there are the frequent conſultations that took place concerning it between Mr. Pitt, Lord Fitzwilliam, Mr. Grattan, and Mr. Ponſonby; the acceptance alſo of the office of Lord Lieutenant by Lord Fitzwilliam; and, finally, the word and honour of Lord Fitzwilliam, that his conſent was abſolutely given. All theſe circumſtances there are in direct contradiction of the aſſertion of Lord Weſtmoreland. But beſides all theſe occurrences, there is the remarkable ſentence in the Duke of Portland's diſpatch, that the deferring of the meaſure would be "the means of doing a greater good to "the Britiſh Empire, than it had been capable of "receiving ſince the revolution, *or at leaſt ſince* "*the union.*" This ſhews that it was the object of Mr. Pitt's mind, at that time, to carry the union, and fully accounts for Mr. Pitt's perfidy and the recal of Lord Fitzwilliam. All the events which have ſince taken place concerning the union, are evidence in favour of Lord Fitzwilliam's integrity and Mr. Pitt's duplicity; they are concluſively contradictory of the aſſertion of Lord Weſtmoreland, and fully expoſe one of the

moſt

moſt flagitious tranſactions that the annals of hiſtory have recorded in the worſt of times, and by the baſeſt of governments.

When the differences that exiſted between the Lord Lieutenant and the Engliſh Cabinet were known, grief and conſternation ſeized all who had flattered themſelves that the meaſures of his Excellency's adminiſtration were to redreſs the grievances, remove the diſcontents, and work the ſalvation of Ireland. In the Houſe of Commons, Sir Lawrence Parſons moved to limit the money bills to two months; but Lord Milton and Mr. George Ponſonby deprecated the meaſure, and it was rejected. The Houſe of Commons, however, unanimouſly reſolved, that his Excellency had, by his conduct ſince his arrival, merited the thanks of the Houſe, and the confidence of the people.

Out of Parliament the diſcontent was more manifeſt. The Catholics, who had now for ſix months felt ſecure of being at length relieved from the execrable ſyſtem of pains and penalties, as the Duke of Portland himſelf was accuſtomed to call it, now ſaw the cup daſhed from their lips, and could

could not but deſpair of ever ſeeing a termination to the perfidy of the Engliſh Cabinets. Thoſe of Dublin, impelled by theſe feelings, aſſembled on the 27th of February, and voted a petition to the King for the continuance of Lord Fitzwilliam as their Chief Governor; and the Catholics of the whole kingdom followed their example, by adopting reſolutions and addreſſes expreſſive of the ſame ſentiments.

The Proteſtants, too, aſſembled extenſively, and as loudly ſpoke their indignation at what they condemned as miniſterial treachery, and conſidered as a great public calamity. The freemen and freeholders of the city of Dublin, like the Catholics, agreed to a petition to the King. The merchants and traders of the city expreſſed their ſorrow at the rumoured recal of his Excellency, and their entire concurrence in the removal of all religious diſabilities. The counties of Kildare, Wexford, Antrim, and Londonderry, followed the example of the freemen and freeholders of the capital, and the ſame ſentiments ſeemed to pervade every part of the kingdom. The active republicans and new united Iriſhmen alone were not

ſorry at the agitation and controverſies which were now ſpringing up.

Theſe expreſſions, however, of diſſatisfaction on the part of the Iriſh people, were of no avail. A ſyſtem of burning and torture was to ſucceed a ſyſtem of conciliation, for the purpoſe of preparing Ireland for the union, and Lord Camden was, accordingly, ſelected as a fit perſon to ſucceed Lord Fitzwilliam as Lord Lieutenant.

The meaſure of union comes the next in the courſe of the events in which the Catholics as a body were concerned; and, in ſtrict propriety, it would be right now to proceed to ſhew how the Catholics were affected by it. But as there have been, and ſtill are, thoſe who, either through ignorance or in defiance of all regard for truth, aſſert that the rebellion of 1798 was a Catholic rebellion, and that the conduct of the Catholics on that occaſion affords a juſtification for refuſing to grant them further conceſſions, it will contribute to promote a more juſt view of the ſubject, if thoſe facts are referred to, which exiſt, in refutation of the ſuppoſition that the Catholics, as a body, were concerned in this rebellion.

Fortunately

Fortunately for the cauſe of truth and juſtice, there do exiſt documents, the authority of which no ſophiſtry or calumny can impeach. Theſe are the reports of the Committees of the Iriſh Parliament. They ſo minutely explain the cauſe, the conduct, and the character of this rebellion, and give ſuch accurate information reſpecting thoſe who were concerned in it, that it is impoſſible for any one to affix to it any other character than that which they have given to it. The juſtification, therefore, of the Catholics, by theſe reports, reſts upon this circumſtance, that, to maintain that the rebellion was a Catholic rebellion, is to diſpute the authority of theſe reports, which make no ſuch charge, and account for it by other means.

The following extracts from the report of the Committee of the Houſe of Commons, appointed, in 1798, to examine the evidence, contains a faithful deſcription of the origin and object of this tranſaction.

"The ſociety under the name of United Iriſhmen, it appears, was eſtabliſhed in 1791; its founders held forth what they termed Catholic

emancipation and parliamentary reform, as the oſtenſible objects of their union: but it clearly appeared, from the letter of Theobald Wolfe Tone, accompanying their original conſtitution, as tranſmitted to Belfaſt for their adoption, that, from its commencement, the real purpoſe of thoſe who were at the head of the inſtitution, was to ſeparate Ireland from Great Britain, and to ſubvert the eſtabliſhed conſtitution of this kingdom: in corroboration of which, your committee have annexed to this report ſeveral of their early publications, particularly a proſpectus of the ſociety which appeared in the beginning of the year 1791; as alſo the plan of reform they recommended to the people."

"For the firſt three years their attention was entirely directed to the engaging in their ſociety perſons of activity and talents, in every quarter of the kingdom; and in preparing the public mind for their future purpoſes, by the circulation of the moſt ſeditious publications, particularly the works of Mr. Thomas Paine. At this time, however, the leaders were rather cautious of alarming minds not ſufficiently ripe for the adoption of their

their principles, by the too open diſcloſure of the real objects which they had in view. In 1795, the teſt of the ſociety underwent a ſtriking reviſion; the words in the amended teſt ſtand, "a "full repreſentation of the people," omitting the words, "in the Commons Houſe of Parliament;" the reaſon for which has been admited by three members of the executive, examined before your committee, to be the better to reconcile reformers and republicans in a common exertion to overthrow the ſtate."

"In the ſummer of 1796, great numbers of perſons, principally in the province of Ulſter, had enrolled themſelves in this ſociety. About the ſame period, as will be more fully explained hereafter, a direct communication had been opened by the heads of the party with the enemy, and French aſſiſtance was ſolicited and promiſed to be ſpeedily ſent to aid the diſaffected in this kingdom."

"With a view of being prepared as much as poſſible to co-operate with the enemy then expected, and in order to counteract the effect of the armed aſſociations of yeomanry eſtabliſhed in Oc-

tober 1796, directions were iſſued by the leaders to the ſocieties to form themſelves into military bodies, and to be provided with arms and ammunition."

"Theſe directions were ſpeedily obeyed; the ſocieties aſſumed a new military form; and, it appears by the original papers ſeized at Belfaſt in the month of April 1797, that their numbers, at that period, in the province of Ulſter alone, were ſtated to amount to nearly 100,000 men. That they were very largely ſupplied with fire-arms and pikes; that they had ſome cannon and ammunition, and were diligently employed in the ſtudy of military tactics; in ſhort, that nothing was neglected by the party which could enable them to take the field on the arrival of the enemy, or whenever they might receive orders to that effect from their ſuperior officers, whom they were bound by oath to obey."

In the report of the committee of 1797, it appears that no part of the kingdom, in which the Catholic population prevails, was organized, except the counties of Weſt Meath, and Kildare, and the city of Dublin.

Theſe

Theſe extracts eſtabliſh the following facts. 1ſt. That the perſons who were the founders of the rebellion were thoſe who formed the firſt ſocieties of United Iriſhmen, who were all Proteſtants.

2d. That the object of the rebellion was a republican form of government, and ſeparation from England, and not Catholic emancipation, or the eſtabliſhment of the Catholic religion.

3d. That, in May 1797, the province of Ulſter being inhabited almoſt entirely by Proteſtants, no Catholics whatever were concerned, except ſome of the loweſt orders in Dublin, and in the counties of Weſtmeath and Kildare; and,

4th. That 100,000 Proteſtants were, in May 1797, completely organized for open rebellion, and well ſupplied with arms.

Now, as we learn from the evidence of Mr. M'Nevin before the committee of the Houſe of Lords in 1798, that the leaders of the treaſon had been determined to commence operations

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in 1797, let us ſuppoſe the rebellion had then broke out, and aſk this queſtion, Would it have been a Catholic rebellion? Certainly not. No man could venture to maintain an opinion ſo utterly untenable. Then, if the rebellion, if it had broken out in 1797, would have been a rebellion of Proteſtants, and not one of Catholics, how could it become a Catholic rebellion in 1798? Let us again refer to the report of the ſecret committee. This gives an accurate account of the progreſs of the rebellion during the year 1797, and ſhews by what means, and *by whom*, the deluded Catholic peaſantry of the South were made parties to the treaſon.

"It appears to your committee, that the leaders of the treaſon, apprehenſive leſt the enemy might be diſcouraged from any further plan of invaſion, by the loyal diſpoſition manifeſted throughout Munſter and Connaught on their former attempt, (by Hoche in December 1796), determined to direct all their exertions to the propagation of the ſyſtem in thoſe provinces, which had hitherto been but partially infected. With this view emiſſaries were ſent into the South and Weſt in great numbers,

numbers, of whoſe ſucceſs in forming new ſocieties, and adminiſtering the oaths of the union, there were, in the courſe of a few months, but too evident proofs, in the introduction of the ſame diſturbances and enormities into Munſter, with which the northern province had been ſo ſeverely viſited."

"In order to engage the peaſantry in the ſouthern counties, particularly in the counties of Waterford and Cork, the more eagerly to their cauſe, the United Iriſhmen found it expedient, in urging their general principles, to dwell with peculiar energy on the ſuppoſed oppreſſiveneſs of tythes (which had been the pretext for the old Whiteboy inſurrections); and it is obſervable, that, in addition to the acts of violence uſually reſorted to by the party, for the furtherance of their purpoſes, the ancient practice of burning the corn, and houghing the cattle of thoſe againſt whom their reſentment was directed, was revived, and very generally practiſed in thoſe counties."

"With a view to excite the reſentment of the Catholics, and to turn their reſentment to the purpoſes

purpoſes of the party, fabricated and falſe teſts were preſented as having been taken to exterminate Catholics, and were induſtriouſly diſſeminated by the emiſſaries of the treaſon throughout the provinces of Leinſter, Munſter, and Connaught. Reports were frequently circulated amongſt the ignorant of the Catholic perſuaſion, that large bodies of men were coming to put them to death. This fabrication, however extravagant, was one among the many wicked means by which the deluded peaſantry were engaged the more readily in the treaſon."

"The meaſures thus adopted by the party completely ſucceeded in detaching the minds of the lower claſſes from their uſual habits and purſuits; inſomuch, that, in the courſe of the autumn and winter 1797, the peaſantry in the midland and ſouthern counties were ſworn and ripe for inſurrection."

From this account of the progreſs of the treaſon in 1797, in the ſouth of Ireland, the following inferences may be deduced:—1ſt. That the Catholics of Ireland were unconnected with the

ſyſtem

ſyſtem of rebellion which had extended over the whole of the Proteſtant province of Ulſter; 2d. That the peaſantry of the ſouth were corrupted by emiſſaries ſent amongſt them by the leaders of the treaſon in the north, and not by the Catholic clergy or Catholic ariſtocracy; and, 3d. That the organization of the ſouth was not a diſtinct effort of a diſtinct body of people, but a meaſure ſubſidiary to the original organization of the Proteſtants of the north, conducted by the ſame party, and having the ſame object in contemplation.

Then it follows, that the leaders of the rebellion being the ſame in 1798 as they were in 1797; the object of it the ſame in 1798 as it was in 1797; the means for carrying it into effect in 1798 the ſame as the means for carrying it into effect in 1797; there can be no more grounds for calling it a Catholic rebellion in 1798, than there were for calling it a Catholic rebellion in 1797; and, therefore, as there were no grounds for affixing this character to it in 1797, neither were there any for calling it a Catholic rebellion in 1798.

In direct contradiction, however, of ſuch a concluſion, and of the ſtatements of the ſecret committee, it has been aſſerted by thoſe who are intereſted in calumniating the Catholic character, and believed by thoſe who are ignorant of its true nature, that the rebellion of Ireland was a Catholic rebellion; that the deſigns of the Catholic body went to the maſſacre and deſtruction of every Proteſtant in Ireland; and that all their other plans were wholly ſubſervient to that of eſtabliſhing the Catholic religion.*

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* Theſe are the propoſitions which Sir Richard Muſgrave has laboured to maintain. His work profeſſes to do that which the ſecret committee of the Houſe of Commons was appointed to do, namely, to give a faithful account of this rebellion. A diſcerning public will at once ſee to which authority they ought to give a preference. Sir Richard dedicated his firſt edition to Lord Cornwallis. Upon reading it, however, Lord Cornwallis directed his Secretary to write the following letter to him:

SIR, *Dublin, March* 24, 1801.

I am directed by the Lord Lieutenant to expreſs to you his concern at its appearing, that your late publication of the hiſtory of the Rebellions of Ireland has been dedicated to him by permiſſion. Had his Excellency been apprized of the contents and nature of the work, he would never have lent the ſanction of his name to a book which tends ſo ſtrongly to revive the dreadful animoſities which have ſo long diſtracted this country, and which it is the duty of every good ſubject

As to the conduct of the Catholic clergy of the county of Wexford, it is now well known, "that "not one of them who had a flock, not one parish "priest was implicated, or had any concern in "fomenting, encouraging, or aiding the rebellion; "nay, it is certain, that they abhorred, and de- "tested, and shuddered at it, as the most wicked, "scandalous, and abominable event that they had "ever witnessed."*

The supposition that the establishment of the Catholic religion was one of the objects of this rebellion, is proved to be unfounded, by the evidence of the principal leaders, Emmet and M'Nevin.

The following are their answers, given before the committees, to the question, "Whether or "not they would set up the Catholic religion?"

ject to endeavour to compose. His Excellency therefore desires me to request, that, in any future edition of the book, the permission to dedicate it to him may be omitted.

I have, &c. E. LITTLEHALES.

* See Dr. Caulfield's Reply to Sir R. Musgrave, sold by Keating and Co. Duke-street.

M'Nevin—" I would no more conſent to that, " than to the eſtabliſhment of Mahometaniſm."

Emmet—" I do not think the Catholics would " wiſh to ſet up a Catholic eſtabliſhment, even at " the preſent day. Perhaps ſome old prieſts, " who have long groaned under the penal laws, " might wiſh for a retribution to themſelves, but " I don't think the young prieſts wiſh for it; and " I am convinced the laity would not ſubmit to it; " and that the objections to it will be every day " gaining ſtrength."

Two circumſtances more only remain to be taken notice of regarding the conduct of the Catholics as a body in this rebellion. One of them, the indiſputable fact, that, of the twenty-four leaders of the rebellion who were baniſhed to fort St. George, only four of them were Catholics, twelve were of the Church of England, and the remaining eight were Diſſenters. Well indeed, then, might Mr. Pitt ſay, in the Houſe of Commons in 1805, whoſe opinion is the other circumſtance alluded to, " I do not conſider the late

" rebellion

" rebellion in Ireland to have been a Catholic " rebellion."*

Facts, reaſon, and authority, therefore, it appears, all coincide in the condemnation of the calumny, which a few blind and miſtaken men have had juſt talent enough to propagate amongſt the ignorant and prejudiced. The magna vis veritatis will, however, prevail on this, as well as upon all other occaſions, and ſooner or later bring forward the unfortunate and much injured Catholics of Ireland to the view of their Engliſh fellow-ſubjects, as highly deſerving of their confidence and their affection.

The next great event belonging to the Catholic queſtion is the meaſure of union, not as having, in any way, altered the political condition of the Catholics in reſpect to the penal laws, but as a meaſure concerning which a compact was virtually entered into between them and the Engliſh government. For though it is true that no regular articles, like thoſe of Limerick, can be produced to prove this compact, ſtill there is circumſtantial evidence

* Debates on Catholic petition, by Cuthel and Martin, p. 126.

evidence of ſuch a nature as to bring conviction to every candid mind, that, on the one hand, the Catholics did agree to ſupport the union, and, on the other, that the Engliſh government, on their part, did indirectly agree to ſecure to them, in conſideration of that ſupport, the meaſure of emancipation.

This evidence is to be collected; 1ſt. From the ſpeech of Mr. Pitt on propoſing the union articles to the Houſe of Commons; 2d. From the act of union; 3d. From Mr. Pitt's ſpeech, and the letters of Lord Cornwallis and Lord Caſtlereagh, concerning the change of adminiſtration in 1801.

1ſt. Mr. Pitt's ſpeech—"I am well aware," ſays Mr. Pitt, "that the ſubject of religious diſ-"tinction is a dangerous and delicate topic, eſpe-"cially when applied to a country ſuch as Ire-"land; the ſituation of which, in this reſpect, is "different from every other. Where the eſta-"bliſhed religion of the ſtate is the ſame as the "general religion of the empire, and where the "property of the country is in the hands of a "comparatively ſmall number of perſons profeſ-

"ſing

"ſing that religion, while the religion of a great "majority of the people is different, it is not eaſy "to ſay, on general principles, what ſyſtem of "church eſtabliſhment, in ſuch a country, would "be free from difficulty and inconvenience. By "many I know it will be contended, that the re- "ligion profeſſed by the majority of the people "would, at leaſt, be entitled to an equality of "privileges. I have heard ſuch an argument "urged in this Houſe; but thoſe who apply it "without qualification to the caſe of Ireland, for- "get ſurely the principles on which Engliſh inte- "reſt and Engliſh connection has been eſtabliſhed "in that country, and its preſent legiſlature is "formed. No man can ſay, that, in the preſent "ſtate of things, and *while Ireland remains a* "*ſeparate kingdom, full conceſſions could be made* "*to the Catholics without endangering the ſtate,* "*and ſhaking the conſtitution to its centre.*"

Is not this as much as to ſay, that, after an incorporate union ſhall have taken place, theſe FULL CONCESSIONS *could be made* without endangering Ireland? Could theſe words be underſtood in any other way by the Catholics? and,

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Are they not an indirect offer, on the part of Mr. Pitt, to the Catholics to make theſe FULL CONCESSIONS, provided they would enable him to make them without endangering Ireland? But the language which he next employs is ſtronger and ſtill more in point. He immediately proceeds, "On the other hand, without anticipating the "diſcuſſion, or the propriety of agitating the "queſtion, or ſaying how ſoon or how late it may "be fit to diſcuſs it, two propoſitions are indiſput-"able—1ſt. When the conduct of the Catholics "ſhall be ſuch as to make it ſafe for the govern-"ment to admit them to the participation of the "privileges granted to thoſe of the eſtabliſhed "religion, and when the temper of the times "ſhall be favourable to ſuch a meaſure: when "thoſe events take place, it is obvious that ſuch "a queſtion may be agitated in an United Impe-"rial Parliament, with much greater ſafety than "it could be in a ſeparate legiſlature. In the "ſecond place, I think it certain, that even for "whatever period it may be thought neceſſary, "after the union, to withhold from the Catholics "the enjoyment of thoſe advantages, many of the "objections which at preſent ariſe out of their

"ſituation

" ſituation would be removed, if the Proteſtant " legiſlature were no longer ſeparate and local, " but general and impartial."

The ſpeech, from which the foregoing is extracted, was circulated gratis by government throughout all Ireland. It was conſidered by the Catholics as a tender of emancipation; it was anxiouſly read by all who could read. At the Caſtle it was explained, to thoſe who ſought for explanation, as an unequivocal offer of every conceſſion; and, in the reſult, the Catholics oppoſed their own Parliament, and gave their ſupport to Mr. Pitt; and, by the aid of this ſupport, he was enabled to contend with a majority in the Houſe of Commons, and to carry the meaſure.

We come now to the evidence to be collected from the Act of Union.

Many of the leading Catholics have not heſitated to declare, that the oath preſcribed by this act, to qualify members of Parliament on taking their ſeats, was framed under an arrangement, that, immediately after the meaſure was paſſed,

 they

they were to enjoy the privilege of ſitting in Parliament. The act runs thus, "That every one "of the Lords and Commons of Parliament of "the United Kingdom, and every member of the "Houſe of Commons of the United Kingdom, in "the firſt and every ſucceeding Parliament, ſhall, "*until the Parliament of the United Kingdom ſhall* "*otherwiſe provide*, take the oaths as now en-"joined to be taken." "Do not quibble with "us," the Catholics ſay, "concerning terms and "formalities; it was clearly underſtood between "us, that if we co-operated to bring about the "union, as we actually did, you would effect the "emancipation. To give a colouring to this en-"gagement, you inſerted in the articles of union "an intimation of a propoſed change of the oaths "in our favour: when, behold! now you roundly "tell us, that this alteration never ſhall take place, "and that we muſt make up our minds to wear "our ſhackles till the end of time."*

The third head of evidence is Mr. Pitt's ſpeech on explaining the cauſe of his reſignation in 1801, and the letters of Pitt and Lord Cornwallis. "As

* Dr. Milner's Inquiry, p. 68.

"As to the merits," Mr. Pitt ſaid, "of the queſ-
"tion which led to my reſignation, I am willing
"to ſubmit them to the Houſe. I and ſome of
"my colleagues in office, did feel it an incumbent
"duty upon us to propoſe a meaſure on the part
"of government, which, *under the circumſtances*
"*of the union* ſo happily effected between the
"two countries, we thought of great public im-
"portance, and neceſſary *to complete* the benefits
"likely to reſult from that meaſure; we felt this
"opinion ſo ſtrongly, that, when we met with
"circumſtances which rendered it impoſſible for
"us to propoſe it as a meaſure of government, we
"felt it equally inconſiſtent with our duty and
"our honour any longer to remain a part of that
"government. What may be the opinion of
"others, I know not, but I beg to have it under-
"ſtood to be a meaſure which, if I had remained
"in government, I *muſt* have propoſed."*

Why *muſt* Mr. Pitt have propoſed this meaſure? To this queſtion one anſwer alone can be given, becauſe his honour, as a ſtateſman, was ſubſtantially engaged to the Catholics, that, if they

 ſupported

* Debrit's Debates, 14, 161.

ſupported the union, he would propoſe emancipation.

We now come to the written communications which, at this time, were made to the Catholics by Mr. Pitt and Lord Cornwallis, and which were given by Lord Caſtlereagh to Dr. Troy, and which are to the following effect:

"The leading part of his Majeſty's Miniſters finding inſurmountable obſtacles to the bringing forward meaſures of conceſſion to the Catholic body, whilſt in office, have felt it impoſſible to continue in adminiſtration under the inability to propoſe it with the circumſtances neceſſary to carrying the meaſure with all its advantages, and they have retired from his Majeſty's ſervice, conſidering this line of conduct as moſt likely to contribute to its ultimate ſucceſs. The Catholic body will, therefore, ſee how much their future hopes muſt depend upon ſtrengthening their cauſe by good conduct in the mean time; they will prudently conſider their proſpects as ariſing from the perſons who now eſpouſe their intereſts, and compare them with thoſe, which they could look to from any other quarter; they may with confidence rely on the zealous ſupport of all thoſe who retire, and of many who remain in office, when it can be given with a proſpect of ſucceſs. They may be aſſured that Mr. Pitt will do his utmoſt to eſtabliſh their cauſe in the public favour, and prepare the way for their finally attaining their objects: and the Catholics will feel, that as Mr. Pitt could not concur in a hopeleſs attempt to force it now, that he muſt at all times repreſs, with the ſame deciſion as if he held an adverſe opinion, any unconſtitutional conduct in the Catholic body.

"Under

" Under theſe circumſtances, it cannot be doubted that the " Catholics will take the moſt loyal, dutiful, and patient line " of conduct, that they will not ſuffer themſelves to be led " into meaſures which can, by any conſtruction, give a handle " to the oppoſers of their wiſhes, either to miſinterpret their " principles, or to raiſe an argument for reſiſting their claims; " but that by their prudent and exemplary demeanour they " will afford additional grounds to the growing number of " their advocates to enforce their claims on proper occaſions, " until their objects can be finally and advantageouſly attained.

" *The Sentiments of a ſincere Friend (i. e. Marquis Cornwallis) on* " *the Catholic claims.*

" If the Catholics ſhould now proceed to violence, or en- " tertain any ideas of gaining their object by convulſive mea- " ſures, or forming aſſociations with men of jacobinical prin- " ciples, they muſt of courſe loſe the ſupport and aid of thoſe, " who have ſacrificed their own ſituations in their cauſe, but " who would at the ſame time feel it to be their indiſpenſable " duty to oppoſe every thing tending to confuſion.

" On the other hand, ſhould the Catholics be ſenſible of " the benefit they poſſeſs, by having ſo many characters of " eminence pledged not to embark in the ſervice of govern- " ment, except on the terms of the Catholic privileges being " obtained, it is to be hoped, that, on balancing the advan- " tages and diſadvantages of their ſituation, they would prefer " a quiet and peaceable demeanour to any line of conduct of " an oppoſite deſcription."

The originals of theſe two declarations were handed to Dr. Troy and afterwards to Lord Fingal on the ſame day, by Marquis Cornwallis, in

in the preſence of Lieutenant-Colonel Littlehales, in the beginning of May, 1801, ſhortly before his departure from the government of Ireland, and before the arrival of Lord Hardwicke, his ſucceſſor. His Excellency deſired they ſhould be diſcreetly communicated to the Biſhops and principal Catholics, but not inſerted in the newſpapers. They appeared, nevertheleſs, in the Engliſh prints ſoon afterwards, and were copied into the Iriſh papers.

Under circumſtances ſuch as theſe, is it ſurpriſing that the Catholics ſhould now feel that faith has been broken with them by the government of England? Mr. Pitt, ſo long ago as in Lord Weſtmorland's adminiſtration, had made no heſitation to ſay, in ſuch a manner that his ſentiments might be known to the Catholics, that he would not riſk a rebellion by withholding emancipation. In 1795, he ſent Lord Fitzwilliam to Ireland to carry this meaſure into effect; and, in 1799, he held forth, in language not to be miſunderſtood, this meaſure, as the reward which he would give the Catholics for their ſupport to the union. At this time he had governed England, for 14 years,

more

more like a deſpotic Prince, than a Miniſter of a King over a free people; he was ſupported by great majorities in Parliament, and he poſſeſſed the unbounded confidence of the King. What other conſtruction, then, could his language on the union bear, among the Catholics, than that of a poſitive engagement on the part of England to give them emancipation, provided they gave the union, in the firſt inſtance, their ſupport? No one can ſay that they formed their expectations that this meaſure would be conceded to them without good grounds for doing ſo; and there being good grounds, no correct moraliſt can maintain that England made no ſuch engagement.

Having now traced the hiſtory of the penal laws and the Catholics, from the treaty of Limerick down to the union, it remains only to make a concluſion of this work, by collecting the ſeveral inferences which may be drawn from the facts contained in it.

In the firſt place, the Catholics have to complain of a diſtinct breach of faith by the government of England.

Secondly,

Secondly, They have to complain of having endured a greater ſhare of inſult and of oppreſſion than it ever was the lot of any other people in any other country to be expoſed to.

Thirdly, They have it in their power to repel all thoſe charges which have been made againſt them for being diſloyal to the Houſe of Brunſwick, 1ſt. By their conduct in 1715; 2dly, By their conduct in 1745; 3dly, By their conduct during the American war; and, laſtly, By their conduct in 1798.

Fourthly, They have it in their power to ſhew, that their clergy have, at all times, inculcated ſound doctrines of morality, of peace and ſubmiſſion to the government, and of brotherly affection for their Proteſtant fellow countrymen.

Fifthly, They can prove that their religious principles have been wholly miſunderſtood; and that they are not, in any degree, repugnant with their duty as loyal ſubjects.*

Sixthly,

* Vide Appendix, No. 3. and No. 4. and Note B.

And, laſtly, it may be laid down as incontrovertibly proved, that the penal code is the ſole cauſe of any inferiority which can now be diſcovered in the ſtate and condition of Ireland, as compared with the ſtate and condition of any other country, whether in reſpect to the poverty, the ignorance, the miſery, or the diſpoſition of the loweſt orders of her inhabitants, or to any other circumſtance which enables England to boaſt her more advanced progreſs in refinement and civilization. To the penal code it is that England has to look for the ſource of all alarm ſhe now entertains for the ſafety of Ireland; and to England Ireland has to look for the cauſe of all the miſery and degradation which, at this day even, peculiarly mark her character among the nations of the world. Yet it is ſome conſolation to reflect, that Ireland contains in herſelf a healing principle, in the liberality which the Iriſh Proteſtants have lately diſplayed in ſupport of the claims of their Catholic countrymen. A ſupport which has nobly vindicated the origin which the Proteſtant Church deduces from reaſon and toleration.*

* Vide Note 6.

It ſhews that the bigotry, which there have been ſo much miſchievous pains taken to excite, is not natural to Iriſhmen. Indeed, what vice is leſs congenial to the Iriſh character than bigotry? Bigotry is gloomy and excluſive, the Iriſh character is chearful and ſocial; bigotry is perverſe and diſingenuous, querulous, ſour, and malignant; the Iriſh character is candid, full of quick, expanding ſympathy, kind and facile to a fault, ſlow to hatred, free from ſuſpicion and captiouſneſs. The tint of bigotry that it has worn is not its complexion, but the ſtains that have tarniſhed its native hue; even theſe are not fixed nor permanent—they bleach and fade in the light, and, to be entirely effaced, require nothing but conſtant expoſure.

APPENDIX.

APPENDIX.

No. I.

The ſeveral Arguments of Sir Theobald Butler, Counſellor Malone, and Sir Stephen Rice, at the Bar of the Houſe of Commons of Ireland, February 22d; and at the Bar of the Houſe of Lords, February 28th, 1703, againſt paſſing the Bill entitled, An Act to prevent the further Growth of Popery.

THE papiſts of Ireland obſerving that the Houſe of Commons were preparing the heads of a bill, to be tranſmitted to England, to be drawn up into an act, *to prevent the further growth of popery*, and having in vain endeavoured to put a ſtop to it there; at its remittance back again to Ireland, preſented to the Houſe of Commons a petition, in the names of Nicholas Lord Viſcount Kingſland, Colonel J. Brown, Colonel Burk, Colonel Robert Nugent, Major Pat. Allen, Captain Arthur French, and other Roman Catholics of Ireland, praying to be heard by their counſel againſt the paſſing the ſaid bill, then under conſideration of the ſaid Houſe; and to have a copy of the bill, and a reaſonable time to ſpeak to it before it paſſed. Which petition being referred to the committee of the whole Houſe, to whom the conſideration of the ſaid bill was referred, it was ordered, that the petitioners ſhould have a copy of the ſaid bill, and be heard by their counſel, before the ſaid committee.

And, in purſuance of that order, Sir Theobald Butler, Counſellor Malone, and Sir Stephen Rice, (the two firſt in their gowns as counſel for the petitioners in general, and the laſt without a gown, only as a petitioner in his private capacity), together with many others, upon Tueſday the 22d of February, 1703, appeared at the bar of the ſaid Houſe of Commons, where Sir Theobald Butler firſt moved and acquainted the Houſe, that, "by the permiſſion of that Houſe, he was come thither in behalf of himſelf, and the reſt of the Roman Catholics

of Ireland compriſed in the *Articles of Limerick* and *Galway*, to offer ſome reaſons, which he and the reſt of the petitioners judged very material againſt paſſing the bill, entitled, *An act to prevent the further growth of popery*; that, by leave of the Houſe, he had taken a copy of the ſaid bill (which he had there in his hand), and, with ſubmiſſion, looked upon it to tend to the deſtroying of the ſaid articles, granted upon the moſt valuable conſiderations of ſurrendering the ſaid garriſons, at a time when they had the ſword in their hands; and, for any thing that appeared to the contrary, might have been in a condition to hold out much longer, and when it was in their power to demand, and make for themſelves ſuch terms, as might be for their then future liberty, ſafety, and ſecurity; and that, too, when the allowing ſuch terms were highly advantageous to the government to which they ſubmitted; as well for uniting the people that were then divided, quieting and ſettling the diſtractions and diſorders of this then miſerable kingdom, as for the other advantages the government would thereby reap in its own affairs, both at home and abroad; when its enemies were ſo powerful both by ſea and land, as to give doubt of interruption to its peace and ſettlement.

"That, by ſuch their power, thoſe of Limerick did for themſelves, and others compriſed, obtain, and make ſuch articles, as by which, all the Iriſh inhabitants in the city and county of Limerick, and in the counties of Clare, Kerry, Cork, Sligo, and Mayo, had full and free pardon of and for all attainders, outlawries, treaſons, miſpriſion of treaſons, felonies, treſpaſſes, and other crimes whatever, which at any time from the beginning of King James the Second, to the 3d of October, 1691, had been acted, committed, or done by them, or any of them; and by which they and their heirs were to be forthwith put in poſſeſſion of, and for ever poſſeſs, and enjoy all and every of their freeholds and inheritance; and all their rights, titles, and intereſts, privileges and immunities, which they and every of them held and enjoyed, and by the laws in force were entitled unto, in the reign of King Charles II. or at any time ſince, by the laws and ſtatutes that were in force in that reign, &c. And thereupon read ſo much of the ſecond article of Limerick, as tended to that purpoſe.

"That in the reign of King Charles the Second, the petitioners, and all that were entitled to the benefit of thoſe articles, were in ſuch full and free poſſeſſion of their eſtates; and had the ſame power to ſell, or otherwiſe to diſpoſe, or convey them, or any other thing they enjoyed; and were as rightfully entitled to all the privileges, immunities, and other advantages whatever, according

according to the laws then in force, as any other ſubjects whatſoever, and which, therefore, without the higheſt injuſtice, could not be taken from them, unleſs they had forfeited them themſelves.

"That if they had made any ſuch forfeiture, it was either before or after the making of the ſaid articles: if before, they had a full and free pardon for that by the ſaid articles, &c. and therefore are not accountable by any law now in force for the ſame, and for that reaſon not now to be charged with it; and ſince they cannot be charged with any general forfeiture of thoſe articles ſince, they at the ſame time remained as abſolutely entitled to all the privileges, advantages, and benefits of the laws both already made, and hereafter to be made, as any other of her Majeſty's ſubjects whatſoever.

"That among all ſocieties there were ſome ill people, but that, by the 10th article of Limerick, the whole community is not to be charged with, nor forfeit by, the crimes of particular perſons.

"That there were already wholeſome laws in force ſufficient, and if not, ſuch as were wanting might be made, to puniſh every offender according to the nature of the crime: and in the name of God let the guilty ſuffer for their own faults; but the innocent ought not to ſuffer for the guilty, nor the whole for any particular. That ſurely they would not now (they had tamely got the ſword out of their hands) rob them of what was in their power to have kept; for that would be unjuſt, and not according to that golden rule, to do as they would be done by, was the caſe reverſed, and the contrary ſide their own.

"That the ſaid articles were firſt granted them by the general of the Engliſh army, upon the moſt important conſideration of getting the city of Limerick into his hands (when it was in a condition to have held out, till it might have been relieved by the ſuccours then coming to it from France) and for preventing the further effuſion of blood, and the other ill conſequences which (by reaſon of the then diviſions and diſorders) the nation then laboured under; and for reducing thoſe in arms againſt the Engliſh government to its obedience.

"That the ſaid articles were ſigned and perfected by the ſaid general, and the then lords juſtices of this kingdom: and afterwards ratified by their late Majeſties, for themſelves, their heirs and ſucceſſors: and have been ſince confirmed by an act of Parliament in this kingdom, viz. ſtat. 9. Guil. 3. ſeſs. 4. chap. 27. (which he there produced and pleaded), and ſaid could not be avoided without breaking the ſaid articles, and the public faith thereby plighted to all thoſe compriſed under the ſaid articles,

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in the moſt ſolemn and engaging manner it is poſſible for any people to lay themſelves under; and than which nothing could be more ſacred and binding. That therefore to violate, or break thoſe articles, would on the contrary be the greateſt injuſtice poſſible for any one people of the whole world to inflict upon another, and which is contrary to both the laws of God and man.

" That, purſuant to theſe articles, all thoſe Iriſh then in arms againſt the government did ſubmit thereunto, and ſurrendered the ſaid city of Limerick, and all other garriſons then remaining in their poſſeſſion; and did take ſuch oaths of fidelity to the King and Queen, &c. as by the ſaid articles they were obliged to, and were put into poſſeſſion of their eſtates, &c.

" That ſuch their ſubmiſſion was upon ſuch terms, as ought now, and at all times, to be made good to them: but that if the bill then before the Houſe, entitled, An act to prevent the further growth of popery, ſhould paſs into a law (which, ſaid he, God forbid!) it would be not only a violation of thoſe articles, but alſo a manifeſt breach of the public faith, of which the Engliſh had always been moſt tender in many inſtances, ſome of which he there quoted; and that, in particular, in the preamble of the act before mentioned, made for confirmation of theſe articles, wherein there is a particular regard and reſpect had to the public faith.

" That ſince the ſaid articles were thus under the moſt ſolemn ties, and for ſuch valuable conſiderations granted the petitioners, by nothing leſs than the General of the army, the Lords Juſtices of the kingdom, the King, Queen, and Parliament, the public faith of the nation was therein concerned, obliged, bound, and engaged, as fully and firmly as was poſſible for one people to pledge faith to another; that therefore this Parliament could not paſs ſuch a bill, as that entitled, An act to prevent the further growth of popery, then before the Houſe, into a law, without infringing thoſe articles, and a manifeſt breach of the public faith; of which he hoped that Houſe would be no leſs regardful and tender than their predeceſſors, who made the act for confirming thoſe articles, had been.

" That the caſe of the Gibeonites, 2 Sam. xxi. 1. was a fearful example of breaking of public faith, which, above 100 years after, brought nothing leſs than a three years famine upon the land, and ſtayed not till the lives of all Saul's family atoned for it.

" That even among the heathens, and moſt barbarous of nations all the world over, the public faith had always been held moſt ſacred and binding, that ſurely it would find no leſs a regard in that auguſt aſſembly.

" That

" That if he proved that the paſſing that act was ſuch a manifeſt breach of thoſe articles, and conſequently of the public faith, he hoped that honourable Houſe would be very tender how they paſſed the ſaid bill before them into a law, to the apparent prejudice of the petitioners, and the hazard of bringing upon themſelves and poſterity ſuch evils, reproach, and infamy, as the doing the like had brought upon other nations and people.

" Now, that the paſſing ſuch a bill as that then before the Houſe, to prevent *the further growth of popery*, will be a breach of thoſe articles, and conſequently of the public faith, I prove (ſaid he) by the following argument.

" The argument then is (ſaid he) whatever ſhall be enacted to the prejudice or deſtroying of any obligation, covenant, or contract, in the moſt ſolemn manner, and for the moſt valuable conſideration entered into, is a manifeſt violation and deſtruction of every ſuch obligation, covenant, and contract; but the paſſing that bill into a law will evidently and abſolutely deſtroy the articles of Limerick and Galway, to all intents and purpoſes, and therefore the paſſing that bill into a law will be ſuch a breach of thoſe articles, and conſequently of the public faith plighted for performing thoſe articles, which remained to be proved.

" The major is proved (ſaid he), for that whatever deſtroys or violates any contract or obligation, upon the moſt valuable conſiderations, moſt ſolemnly made and entered into, deſtroys and violates the end of every ſuch contract or obligation; but the end and deſign of thoſe articles was, that all thoſe therein compriſed, and every of their heirs, ſhould hold, poſſeſs, and enjoy all and every of their eſtates of freehold and inheritance, and all the rights, titles, and intereſts, privileges and immunities, which they and every of them held, enjoyed, or were rightfully entitled to, in the reign of King Charles the Second; or at any time ſince, by the laws and ſtatutes that were in force in the ſaid reign in this realm: but that the deſign of this bill was to take away every ſuch right, title, intereſt, &c. from every father being a papiſt, and to make the popiſh father, who, by the articles and laws aforeſaid, had an undoubted right, either to ſell or otherwiſe at pleaſure to diſpoſe of his eſtate, at any time of his life, as he thought fit; only tenant for life: and conſequently diſabled from ſelling, or otherwiſe diſpoſing thereof, after his ſon or other heir ſhould become proteſtant; though otherwiſe never ſo diſobedient, profligate, or extravagant: Ergo, this act tends to the deſtroying the end for which thoſe articles were made, and conſequently the breaking of the public faith, plighted for their performance.

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" The minor is proved by the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 15th, 16th, and 17th clauſes of the ſaid bill, all which (ſaid he) I ſhall conſider and ſpeak to, in the order as they are placed in the bill.

" By the firſt of theſe clauſes (which is the third of the bill), I that am the popiſh father, without committing any crime againſt the ſtate, or the laws of the land, (by which only I ought to be governed) or any other fault; but merely for being of the religion of my forefathers, and that which, till of late years, was the ancient religion of theſe kingdoms, contrary to the expreſs words of the ſecond article of Limerick, and the public faith plighted as aforeſaid for their performance; am deprived of my inheritance, freehold, &c. and of all other advantages, which, by thoſe articles, and the laws of the land, I am entitled to enjoy, equally with every other of my fellow-ſubjects, whether proteſtant or popiſh. And though ſuch my eſtate be even the purchaſe of my own hard labour and induſtry, yet I ſhall not (though my occaſions be never ſo preſſing) have liberty (after my eldeſt ſon or other heir becomes a proteſtant) to ſell, mortgage, or otherwiſe diſpoſe of, or charge it for payment of my debts; or have leave, out of my own eſtate, to order portions for my other children; or leave a legacy, though never ſo ſmall, to my poor father or mother, or other poor relations; but during my own life, my eſtate ſhall be given to my ſon or other heir, being a proteſtant, though never ſo undutiful, profligate, extravagant, or otherwiſe undeſerving; and I that am the purchaſing father ſhall become tenant, for life only, to my own purchaſe, inheritance, and freehold, which I purchaſed with my own money; and ſuch my ſon or other heir, by this act, ſhall be at liberty to ſell, or otherwiſe at pleaſure to diſpoſe of my eſtate, the ſweat of my brows, before my face; and I that am the purchaſer, ſhall not have liberty to raiſe one farthing upon the eſtate of my own purchaſe, either to pay my debts or portion my daughters (if any I have), or make proviſions for my other male children, though never ſo deſerving and dutiful: but my eſtate, and the iſſues and profits of it, ſhall, before my face, be at the diſpoſal of another, who cannot poſſibly know how to diſtinguiſh between the dutiful and undutiful, deſerving or undeſerving. Is not this, gentlemen, (ſaid he), a hard caſe? I beſeech you, gentlemen, to conſider, whether you would not think ſo, if the ſcale was changed, and the caſe your own, as it is like to be ours, if this bill paſs into a law.

" It is natural for the father to love the child, but we all know (ſays he) that children are but too apt and ſubject, without any ſuch liberty as this bill gives, to ſlight and neglect their duty

duty to their parents; and ſurely ſuch an act as this will not be an inſtrument of reſtraint, but rather encourage them more to it.

" It is but too common with the ſon, who has a proſpect of an eſtate, when once he arrives at the age of one and twenty, to think the old father too long in the way between him and it; and how much more will he be ſubject to it, when, by this act, he ſhall have liberty, before he comes to that age, to compel and force my eſtate from me, without aſking my leave, or being liable to account with me for it, or out of his ſhare thereof, to a moiety of the debts, portions, or other incumbrances, with which the eſtate might have been charged before the paſſing this act.

" Is not this againſt the laws of God and man? againſt the rules of reaſon and juſtice; by which all men ought to be governed? Is not this the only way in the world to make children become undutiful? and to bring the grey head of the parent to the grave with grief and tears?

" It would be hard from any man; but from a ſon, a child, the fruit of my body, whom I have nurſt in my boſom, and tendered more dearly than my own life, to become my plunderer, to rob me of my eſtate, to cut my throat, and to take away my bread, is much more grievous than from any other; and enough to make the moſt flinty of hearts to bleed to think on it. And yet this will be the caſe if this bill paſs into a law; which I hope this honourable aſſembly will not think of, when they ſhall more ſeriouſly conſider, and have weighed theſe matters.

" For God's ſake, gentlemen, will you conſider whether this is according to the golden rule, to do as you would be done unto? And if not, ſurely you will not, nay you cannot, without being liable to be charged with the moſt manifeſt injuſtice imaginable, take from us our birth-rights, and inveſt them in others before our faces.

" By the 4th clauſe of the bill, the popiſh father is under the penalty of 500l. debarred from being guardian to, or having the tuition or cuſtody of his own child or children; but if the child pretends to be a proteſtant, though never ſo young, or incapable of judging of the principles of any religion, it ſhall be taken from its own father, and put into the hands or care of a proteſtant relation, if any there be qualified as this act directs, for tuition, though never ſo great an enemy to the popiſh parent; and for want of relations ſo qualified, into the hands and tuition of ſuch proteſtant ſtranger as the court of chancery ſhall think fit to appoint; who perhaps may likewiſe be my enemy, and

out of prejudice to me, who am the popiſh father, ſhall infuſe into my child, not only ſuch principles of religion as are wholly inconſiſtent with my liking, but alſo againſt the duty which, by the laws both of God and nature, is due from every child to its parents: And it ſhall not be in my power to remedy, or queſtion him for it; and yet I ſhall be obliged to pay for ſuch education, how pernicious ſoever. Nay, if a legacy or eſtate fall to any of my children, being minors, I that am the popiſh father ſhall not have the liberty to take care of it, but it ſhall be put into the hands of a ſtranger; and though I ſee it confounded before my face, it ſhall not be in my power to help it. Is not this a hard caſe, gentlemen? I am ſure you cannot but allow it to be a very hard caſe.

"The 5th clauſe provides, that no proteſtant or proteſtants, having any eſtate real or perſonal, within this kingdom, ſhall, at any time after the 24th of March, 1703, intermarry with any papiſt, either in or out of this kingdom, under the penalties in an act made in the 9th of King William, entitled, An act to prevent proteſtants intermarrying with papiſts; which penalties ſee in the 5th clauſe of the act itſelf.

"Surely, gentlemen, this is ſuch a law as was never heard of before, and againſt the law of right, and the law of nations; and therefore a law which is not in the power of mankind to make, without breaking through the laws which our wiſe anceſtors prudently provided for the ſecurity of poſterity, and which you cannot infringe without hazarding the undermining the whole legiſlature, and encroaching upon the privileges of your neighbouring nations, which it is not reaſonable to believe they will allow.

"It has indeed been known, that there hath been laws made in England that have been binding in Ireland; but ſurely it never was known, that any law made in Ireland could affect England or any other country. But, by this act, a perſon committing matrimony (an ordinance of the Almighty) in England, or any other part beyond the ſeas (where it is lawful both by the laws of God and man ſo to do) if ever they come to live in Ireland, and have an inheritance or title to any intereſt to the value of 500l. they ſhall be puniſhed for a fact conſonant with the laws of the land where it was committed. But, gentlemen, by your favour, this is what, with ſubmiſſion, is not in your power to do; for no law that either now is, or that hereafter ſhall be in force in this kingdom, ſhall be able to take cognizance of any fact committed in another nation; nor can any one nation make laws for any other nation, but what is ſubordinate to it, as Ireland is to England; but no other nation is ſubordinate

ordinate to Ireland, and therefore any laws made in Ireland cannot punish me for any fact committed in any other nation, but more especially England, to whom Ireland is subordinate. And the reason is, every free nation, such as all our neighbouring nations are, by the great law of nature, and the universal privileges of all nations, have an undoubted right to make, and be ruled and governed by laws of their own making; for that, to submit to any other, would be to give away their own birth-right and native freedom, and become subordinate to their neighbours, as we of this kingdom, since the making of Poyning's act, have been, and are to England. A right which England would never so much as endure to hear of, much less to submit to.

"We see how careful our forefathers have been to provide that no man shall be punished in one county (even of the same nation) for crimes committed in another county; and surely it would be highly unreasonable, and contrary to the laws of all nations in the whole world, to punish me in this kingdom for a fact committed in England, or any other nation, which was not against, but consistent with the laws of the nation where it was committed. I am sure there is not any law in any other nation of the world that would do it.

"The 6th clause of this bill is likewise a manifest breach of the second of Limerick articles; for, by that article, all persons comprised under those articles were to enjoy, and have the full benefit of, all the rights, titles, privileges, and immunities whatsoever, which they enjoyed, or by the laws of the land then in force were entitled to enjoy, in the reign of King Charles II. And by the laws then in force, all the papists of Ireland had the same liberty that any of their fellow-subjects had, to purchase any manors, lands, tenements, hereditaments, leases of lives, or for years, rents, or any other thing of profit whatsoever; but by this clause of this bill, every papist or person professing the popish religion, after the 24th of March, 1703, is made incapable of purchasing any manors, lands, tenements, hereditaments, or any rents or profits out of the same; or holding any lease of lives, or any other lease whatsoever, for any term exceeding thirty-one years; wherein a rent, not less than two-thirds of the improved yearly value, shall be reserved, and made payable during the whole term; and, therefore, this clause of this bill, if made into a law, will be a manifest breach of those articles.

"The 7th clause is yet of much more general consequence, and not only a like breach of those articles, but also a manifest robbing of all the Roman catholics of the kingdom of their

birth-right; for, by those articles, all those therein comprised were (said he) pardoned all misdemeanours whatsoever, of which they had in any manner of way been guilty; and restored to all the rights, liberties, privileges, and immunities whatever, which, by the laws of the land, and customs, constitutions, and native birth-right, they, any, and every of them, were, equally with every other of their fellow-subjects, entitled unto. And by the laws of nature and nations, as well as by the laws of the land, every native of any country has an undoubted right and just title to all the privileges and advantages which such their native country affords: And surely no man but will allow, that, by such a native right, every one born in any country hath an undoubted right to the inheritance of his father, or any other, to whom he or they may be heir at law; but if this bill pass into a law, every native of this kingdom, that is, and shall remain a papist, is, *ipso facto*, during life, or his or their continuing a papist, deprived of such inheritance, devise, gift, remainder, or trust, of any lands, tenements, or hereditaments, of which any protestant now is, or hereafter shall be seized in fee-simple absolute, or fee-tail, which, by the death of such protestant, or his wife, ought to descend immediately to his son or sons, or other issue in tail, being such papists, and 18 years of age; or, if under that age, within six months after coming to that age, shall not conform to the church of Ireland, as by law established; and every such devise, gift, remainder, or trust, which, according to the laws of the land, and such native right, ought to descend to such papist, shall, during the life of such papist (unless he forsake his religion) descend to the nearest relation that is a protestant, and his heirs, being and continuing protestants, as though the said popish heir and all other popish relations were dead; without being accountable for the same: which is nothing less than robbing such popish heir of such his birth-right; for no other reason, but his being and continuing of that religion, which by the first of Limerick articles, the Roman catholics of this kingdom were to enjoy, as they did in the reign of King Charles II. and then there was no law in force, that deprived any Roman catholic of this kingdom of any such their native birth-right, or any other thing, which, by the laws of the land then in force, any other fellow-subjects were entitled unto.

"The 8th clause of this bill, is to erect in this kingdom a law of *gavel-kind*, a law in itself so monstrous and strange, that I dare say, this is the first time it was ever heard of in the world; a law so pernicious and destructive to the well-being of families and societies, that, in an age or two, there will hardly be any remembrance of any of the ancient Roman catholic families known

known in the kingdom: a law which, therefore, I may again venture to ſay, was never before known or heard of in the univerſe!

"There is, indeed, in Kent, a cuſtom, called the Cuſtom of Gavelkind; but I never heard of any law for it till now; and that cuſtom is far different from what by this bill it intended to be made a law; for there, and by that cuſtom, the father, or other perſon, dying poſſeſſed of any eſtate of his own acquiſition, or not entailed, (let him be of what perſuaſion he will), may by will bequeath it at pleaſure: Or if he dies without will, the eſtate ſhall not be divided, if there be any male heir to inherit it; but for want of male heir, then it ſhall deſcend in Gavelkind among the daughters, and not otherwiſe. But by this act, for want of a proteſtant heir, enrolled as ſuch within three months after the death of ſuch papiſt, to be divided, ſhare and ſhare alike, among all his ſons; for want of ſons, among his daughters; for want of ſuch, among the collateral kindred of his father; and in want of ſuch, among thoſe of his mother: and this is to take place of any grant, ſettlement, &c. other than ſale, for valuable conſideration of money, really, *bona fide*, paid. And ſhall I not call this a ſtrange law? Surely it is a ſtrange law, which, contrary to the laws of all nations, thus confounds all ſettlements, how ancient ſoever, or otherwiſe warrantable by all the laws heretofore in force, in this, or any other kingdom!

"The 9th clauſe of this act, is another manifeſt breach of the articles of Limerick; for, by the 9th of thoſe articles, no oath is to be adminiſtered to, nor impoſed upon ſuch Roman Catholics, as ſhould ſubmit to the government, but the oath of allegiance, appointed by an act of Parliament made in England, in the firſt year of the reign of their late Majeſties KING WILLIAM and QUEEN MARY, (which is the ſame with the firſt of thoſe appointed by the 10th clauſe of this act:) But by this clauſe, none ſhall have the benefit of this act, that ſhall not conform to the church of Ireland, ſubſcribe the declaration, and take and ſubſcribe the oath of abjuration, appointed by the 9th clauſe of this act; and therefore this act is a manifeſt breach of thoſe articles, &c. and a force upon all the Roman catholics therein compriſed, either to abjure their religion, or part with their birth-rights; which, by thoſe articles, they were, and are, as fully, and as rightfully entitled unto, as any other ſubjects whatever.

"The 10th, 11th, 12th, 13th, and 14th clauſes of this bill, (ſaid he) relate to offices and employments, which the papiſts of Ireland cannot hope for the enjoyment of, otherwiſe than by grace

grace and favour extraordinary; and therefore, do not ſo much affect them, as it does the proteſtant diſſenters, who (if this bill paſs into a law) are equally with the papiſts deprived of bearing any office, civil or military, under the government, to which by right of birth, and the laws of the land, they are as indiſputably entitled, as any other their proteſtant brethren: And if what the Iriſh did in the late diſorders of this kingdom made them rebels, (which the preſence of a King, they had before been obliged to own, and ſwear obedience to, gave them a reaſonable colour of concluding it did not), yet ſurely the diſſenters did not do any thing to make them ſo; or to deſerve worſe at the hands of the government, than other proteſtants; but, on the contrary, it is more than probable, that if they, (I mean the diſſenters), had not put a ſtop to the career of the Iriſh army at Enniſkillen and Londonderry, the ſettlement of the government, both in England and Scotland, might not have proved ſo eaſy, as it thereby did; for if that army had got to Scotland, (as there was nothing at that time to have hindered them, but the bravery of thoſe people, who were moſtly diſſenters, and chargeable with no other crime ſince; unleſs their cloſe adhering to, and early appearing for the then government, and the many faithful ſervices they did their country, were crimes) I ſay (ſaid he) if they had got to Scotland, when they had boats, barks, and all things elſe ready for their tranſportation, and a great many friends there in arms, waiting only their coming to join them; it is eaſy to think, what the conſequence would have been to both theſe kingdoms; and theſe diſſenters then were thought fit for command, both civil and military, and were no leſs inſtrumental in contributing to the reducing the kingdom, than any other proteſtants: And to paſs a bill now, to deprive them of their birth-rights, (for thoſe their good ſervices), would ſurely be a moſt unkind return, and the worſt reward ever granted to a people ſo deſerving. Whatever the papiſts may be ſuppoſed to have deſerved, the diſſenters certainly ſtand as clean in the face of the preſent government, as any other people whatſoever: And if this is all the return they are like to get, it will be but a ſlender encouragement, if ever occaſion ſhould require, for others to purſue their examples.

" By the 15th, 16th, and 17th clauſes of this bill, all papiſts, after the 24th of March 1703, are prohibited from purchaſing any houſes or tenements, or coming to dwell in any in Limerick or Galway, or the ſuburbs of either, and even ſuch as were under the articles, and by virtue thereof have ever ſince lived there, from ſtaying there; without giving ſuch ſecurity as neither thoſe articles, nor any law heretofore in force, do require; except

except ſeamen, fiſhermen, and day-labourers, who pay not above forty ſhillings a year rent; and from voting for the election of members of Parliament, unleſs they take the oath of abjuration; which, to oblige them to, is contrary to the 9th of Limerick articles; which, as aforeſaid, ſays the oath of allegiance, and no other, ſhall be impoſed upon them; and, unleſs they abjure their religion, takes away their advowſons and right of preſentation, contrary to the privilege of right, the law of nations, and the great charter of Magna Charta; which provides, that no man ſhall be diſſeized of his birth-right, without committing ſome crime againſt the known laws of the land in which he is born, or inhabits. And if there was no law in force, in the reign of King Charles the Second, againſt theſe things (as there certainly was not), and if the Roman catholics of this kingdom have not ſince forfeited their right to the laws that then were in force, (as for certain they have not), then with humble ſubmiſſion, all the aforeſaid clauſes and matters contained in this bill, entitled, *An act to prevent the further growth of popery*, are directly againſt the plain words and true intent and meaning of the ſaid articles, and a violation of the public faith, and the laws made for their performance; and what I therefore hope (ſaid he) this honourable houſe will conſider accordingly."

Counſellor Malone and Sir Stephen Rice made diſcourſes on the ſame ſide; the latter, not as a counſel, but as a petitioner, likely to be aggrieved by the paſſing of the ſaid act: But in the courſe of the reply to the arguments of thoſe gentlemen, it was objected, that they had not demonſtrated how and when (ſince the making of the articles of Limerick) the papiſts of Ireland had addreſſed the Queen or government, when all other ſubjects were ſo doing, or had otherwiſe declared their fidelity and obedience to the Queen.

It was (among other things) obſerved, that by a proviſo at the latter end of the ſecond of thoſe articles, none was to have or enjoy the benefit thereof, that ſhould refuſe to take the oath of allegiance.

That any right which the papiſts pretended to be taken from them by the bill, was in their own power to remedy, by conforming; as in prudence, they ought to do; and that they ought not to blame any but themſelves.

The next day the bill was ordered to be engroſſed and ſent to the Lords.

The petitioners having applied to the Lords alſo, for leave to be heard by their counſel againſt the bill, the ſame was granted; and the ſame counſel, upon Monday, February 28th, appeared there, and offered ſuch like arguments as they had made

made uſe of in the other Houſe: They told their Lordſhips that it had been objected by the Commons, that the paſſing that bill would not be a breach of the articles of Limerick, as had been ſuggeſted: becauſe, the perſons therein compriſed were only to be put into the ſame ſtate they were in the reign of Charles the Second, and becauſe, that in that reign there was no law in force which hindered the paſſing any other law thought needful for the future ſafety of the government. That the Commons had further ſaid, that the paſſing this bill was needful at preſent, for the ſecurity of the kingdom; and that there was not any thing in the articles of Limerick that prohibited their ſo doing.

It was admitted, on the part of the petitioners, that the legiſlative power cannot be confined from altering and making ſuch laws as ſhall be thought neceſſary for ſecuring the quiet and ſafety of the government; that in time of war or danger, or when there ſhall be juſt reaſon to ſuſpect any ill deſigns to diſturb the public peace, no articles or previous obligations ſhall tie up the hands of the legiſlators from providing for its ſafety, or bind the government from diſarming and ſecuring any who may be reaſonably ſuſpected of favouring or correſponding with its enemies, or to be otherwiſe guilty of ill practices: "Or indeed to enact any other law," ſaid Sir Stephen Rice, "that may be abſolutely needful for the ſafety and advantage of the public; ſuch a law cannot be a breach either of theſe, or any other like articles. But then ſuch laws ought to be in general, and ſhould not ſingle out, or affect, any one particular part or party of the people, who gave no provocation to any ſuch law, and whoſe conduct ſtood hitherto unimpeached, ever ſince the ratification of the aforeſaid articles of Limerick.—To make any law that ſhall ſingle any particular part of the people out from the reſt, and take from them what, by right of birth, and all the preceding laws of the land had been confirmed to, and entailed upon them, will be an apparent violation of the original inſtitution of all right, and an ill precedent to any that hereafter might diſlike either the preſent or any other ſettlement, which ſhould be in their power to alter; the conſequence of which is hard to imagine."

The Lord Chancellor having ſummed up all that had been offered at the bar, the Houſe proceeded thereupon; the bill was read through; and, to the great mortification of that unhappy party, was paſſed; and upon the 4th of March obtained the royal aſſent.

No.

No. II.

Declaration of the Catholic Nobility, Gentlemen, and Clergy, May 6, 1798.

Dublin, May 6, 1798.

" To ſuch of the deluded people, now in rebellion againſt his " Majeſty's Government, in this Kingdom, as profeſs the " Roman Catholic religion.

" THE underſigned Roman Catholics of Ireland feel themſelves earneſtly called on to remonſtrate with ſuch of the " deluded people of that perſuaſion as are now engaged in open " rebellion againſt his majeſty's government, on the wicked " tendency and conſequences of the conduct which they have " embraced; they apprehend, with equal horror and concern, " that ſuch deluded men, in addition to the crime committed " againſt the allegiance which they owe to his majeſty, have, " in ſome inſtances, attempted to give their deſigns a colour of " zeal for the religion which they profeſs. The underſigned " profeſs equally with them the Roman catholic religion; ſome " of them are biſhops of that perſuaſion, others are heads of " the leading families who profeſs that religion; and others are " men of the ſame perſuaſion, who, by an honourable induſtry, " have, under the conſtitution, now ſought to be ſubverted, " raiſed themſelves to a ſituation which affords them, in the " moſt extenſive ſenſe, all the comforts of life. The under- " ſigned of each deſcription concur in entreating ſuch of the " deluded who have taken up arms againſt the eſtabliſhed " government, or entered into engagements tending to that " effect, to return to their allegiance; and, by relinquiſhing " the treaſonable plans in which they are engaged, to entitle " themſelves to that mercy which their lawful governors " anxiouſly wiſh to extend to them; a contrary conduct will " inevitably ſubject them to loſs of life and property, and ex- " poſe their families to ignominy and beggary; whilſt at the " ſame time it will throw on their religion, of which they pro- " feſs to be the advocates, the moſt indelible ſtain: on this " point, the unfortunately deluded will do well to conſider " whether the true intereſts and honour of the Roman catholic " religion are likely to be moſt conſidered by the biſhops of

" that perſuaſion; by the ancient families who profeſs that religion, and who have reſiſted every temptation to relinquiſh it; by men, who at once profeſſing it, and ſubmitting to the preſent conſtitution, have arrived at a ſtate of affluence which gratifies every wiſh; or by a ſet of deſperate and profligate men, availing themſelves of the want of education and experience in thoſe whom they ſeek to uſe as inſtruments for gratifying their own wicked and intereſted views. At all events, the underſigned feel themſelves bound to reſcue their names, and, as far as in them lies, the religion which they profeſs, from the ignominy which each would incur, from an appearance of acquieſcence in ſuch criminal and irreligious conduct: and they heſitate not to declare, that the accompliſhment of the views of the deluded of their perſuaſion, if effected, muſt be effected by the downfall of the clergy, of the ancient families and reſpectable commercial men of the Roman catholic religion, the underſigned individuals of each of which deſcription hereby publicly declare their determination to ſtand or fall with the preſent exiſting conſtitution.

" FINGALL,
" GORMANSTOWN,
" SOUTHWELL,
" KENMARE,
" Sir EDWARD BELLEW, with 41 gentlemen and profeſſors of divinity, together with the Rev. PETER FLOOD, D. D. preſident of the Royal College of St. Patrick, Maynooth, for himſelf, the profeſſors, and ſtudents of ſaid college."

No.

No. III.

The principles of the Roman Catholics, from the Prayer Book which is in general uſe amongſt the Catholics of Ireland, and which was publiſhed by Dr. Coppinger, Titular Biſhop of Cloyne.

SECTION I.

1. THE fruition of God, and the remiſſion of ſin, are not attainable by man, otherwiſe than in and by the merits of Jeſus Chriſt, who gratuitouſly purchaſed them for us.

2. Theſe merits of Chriſt are not applied to us otherwiſe than by a right faith in him.

3. This faith is but one, entire and conformable to its object, which is divine revelation, and to which faith gives an undoubting aſſent.

4. This revelation contains many myſteries tranſcending the natural reach of human underſtanding. Wherefore,

5. It became the Divine Wiſdom and Goodneſs to provide ſome way or means whereby man might arrive to the knowledge of theſe myſteries; means viſible and apparent to all; means proportioned to the capacities of all; means ſure and certain to all.

6. *This way or means is not the reading of the Scripture interpreted according to the private reaſon or judgment of each particular perſon or nation;* but,

7. *It is an attention and ſubmiſſion to the voice of the Catholic or univerſal Church eſtabliſhed by Chriſt* for the inſtruction of all; ſpread for that end through all nations, and viſibly continued in the ſucceſſion of paſtors and people through all ages. From this Church, guided in truth, and ſecured from error in matters of faith, by the promiſed aſſiſtance of the Holy Ghoſt, every one may learn the right ſenſe of the Scriptures, and ſuch Chriſtian myſteries and duties as are neceſſary to ſalvation.

8. This church, thus eſtabliſhed, thus ſpread, thus continued, thus guided in one uniform faith, and ſubordination of government, is that which is termed *the Roman Catholic Church;* the qualities juſt mentioned, unity, indeficiency, viſibility, ſucceſſion, and univerſality, being evidently applicable to her.

9. From the teſtimony and authority of this Church, it is that we receive the Scriptures, and believe them to be the word of God: and as ſhe can aſſuredly tell us what particular book is the word of God, ſo can ſhe, with the like aſſurance, tell us alſo the true ſenſe and meaning of it in controverted points of faith; the ſame ſpirit that wrote the Scriptures directs her to underſtand both them and all matters neceſſary to ſalvation. From theſe grounds it follows:

10. *Only truths revealed by Almighty God, and propoſed by the Church, to be believed as ſuch, are, and ought to be, eſteemed articles of Catholic faith.*

11. As an obſtinate ſeparation from the unity of the Church, in known matters of faith, is hereſy; ſo a wilful ſeparation from the viſible unity of the ſame Church, in matters of ſubordination and government, is ſchiſm.

12. The Church propoſes unto us matters of faith, firſt and chiefly by the Holy Scripture, in points plain and intelligible in it;—ſecondly, by definitions of general councils, in points not ſufficiently plain in Scripture;—thirdly, by apoſtolical traditions derived from Chriſt and his Apoſtles to all ſucceeding ages.

SECTION II.

1. *The paſtors of the Church, who are the body repreſentative, either diſperſed or convened in council, have received no commiſſion from Chriſt to frame new articles of faith, theſe being ſolely divine revelation;* but only to explain and to aſcertain to us what anciently was and is received and retained as of faith in the Church, when debates and controverſies ariſe about them. Theſe definitions in matters of faith only, and propoſed as ſuch, oblige all the Faithful to an interior aſſent. But,

2. *It is no article of faith that the Church cannot err either in matters of fact, or in matters of ſpeculation or civil policy, depending on mere human reaſon: theſe not being divine revelations depoſited in the Catholic Church* —Hence is reduced,

3. If a General Council, much leſs a Papal Conſiſtory, ſhould preſume to depoſe a King, and to abſolve his ſubjects from their allegiance, no Catholic could be bound to ſubmit to ſuch a decree.—Hence it follows, that,

4. The ſubjects of the king of England lawfully may, without the leaſt breach of any Catholic principle, renounce, upon oath, the teaching or practiſing the doctrine of depoſing kings excommunicated for hereſy, by any authority whatſoever, as repugnant to the fundamental laws of the nation, as injurious

to

to ſovereign power, and as deſtructive to peace and government.

5. Catholics believe that the *Biſhop of Rome*, ſucceſſor to St. Peter, *is the head of the whole Catholic Church; in which ſenſe this Church may therefore be ſtiled Roman Catholic*, becauſe an univerſal body united under one viſible head. Nevertheleſs,

6. It is no matter of faith to believe that the *Pope is in* himſelf *infallible*, ſeparated from the Church, even in expounding the faith; by conſequence, papal definitions or decrees, taken excluſively from a General Council, or univerſal acceptance of the Church, oblige none, under the pain of hereſy, to an interior aſſent.

7. Nor do Catholics, as Catholics, believe that the Pope has any direct or indirect authority over the temporal power and juriſdiction of Princes. Hence, if the Pope ſhould pretend to abſolve or diſpenſe with his Majeſty's ſubjects from their allegiance, on account of hereſy or ſchiſm, ſuch diſpenſation would be vain and null, and all Catholic ſubjects, notwithſtanding ſuch diſpenſation or abſolution, would be ſtill bound in conſcience to defend their King and country, at the hazard of their lives and fortunes (as far as Proteſtants would be bound) even againſt the Pope himſelf, ſhould he invade the nation.

8. As for the *problematical diſputes or errors of particular divines*, in this or any other matter whatſoever, we are in no wiſe reſponſible for them; nor are Catholics, as ſuch, juſtly puniſhable on their account. But,

9. As for the King killing doctrine, or murder of Princes excommunicated for hereſy, it is univerſally admitted in the Catholic Church, and expreſsly ſo declared in the Council of Conſtance, that ſuch doctrine is impious and execrable, being contrary to the known laws of God and nature.

10. *Perſonal miſdemeanors*, of what nature ſoever, *ought not to be imputed to the body of Catholics, when not juſtifiable by the tenets of their faith and doctrine.* For which reaſon, though the ſtories of the Iriſh cruelties, or powder-plot, had been exactly true, (which yet, for the moſt part, are notoriouſly mis-related) nevertheleſs Catholics, as ſuch, ought not to ſuffer for ſuch offences, any more than the eleven Apoſtles ought to have ſuffered for the treachery of Judas.

11. It is a fundamental truth in our religion, that no power on earth can licenſe men to lie, to forſwear or perjure themſelves, to maſſacre their neighbours, or deſtroy their native country, on pretence of promoting the Catholic Cauſe or Religion. Furthermore, all pardons or diſpenſations, granted, or pretended to be

be granted, in order to any ſuch ends or deſigns, could have no other validity or effect than to add ſacrilege and blaſphemy to the above mentioned crimes.

12. The doctrine of equivocation, or mental reſervation, however wrongfully imputed to the Catholic religion, was never taught or approved by the Church as any part of her belief: on the contrary, ſimplicity and godly ſincerity are conſtantly inculcated by her as truly Chriſtian virtues, neceſſary to the conſervation of juſtice, truth, and common ſecurity.

SECTION III.

1. Every Catholic believes that when a ſinner repents of his ſins, from the bottom of his heart, and acknowledges his tranſgreſſions to God and his miniſters, the diſpenſers of the myſteries of Chriſt, reſolving to turn from his evil ways, and bring forth fruits worthy of repentance, there is then, and not otherwiſe, an authority left by Chriſt to abſolve ſuch a penitent ſinner from his ſins; which authority Chriſt gave to his Apoſtles and their ſucceſſors, the Biſhops and Prieſts of his Church, in thoſe words, when he ſaid, *Receive ye the Holy Ghoſt, whoſe ſins you ſhall forgive, they are forgiven unto them.*

2. Though no creature whatſoever can make condign ſatisfaction, either for the guilt of ſin or the pain eternal due to it, this ſatisfaction being proper to Chriſt our Saviour only, yet penitent ſinners, redeemed by Chriſt, may, as members of Chriſt, in ſome meaſure ſatisfy by prayer, faſting, alms-deeds, and other works of piety, for temporal pain, which, in the order of Divine Juſtice, ſometimes remains due, after the guilt of ſin and pain eternal have been remitted. Such penitential works are, notwithſtanding, no otherwiſe ſatisfactory, than as joined and applied to that ſatisfaction which Jeſus made upon the Croſs, in virtue of which all our good works find a grateful acceptance in the ſight of God.

3. The guilt of ſin, or pain eternal due to it, is never remitted by what Catholics call Indulgences; but only ſuch temporal puniſhments as remain due after the guilt is remitted: *thoſe indulgences being nothing elſe than a mitigation or relaxation of canonical penances*, enjoined by the paſtors of the Church on penitent ſinners, according to their ſeveral degrees of demerit. And if abuſes and miſtakes have been ſometimes committed, either in point of granting or gaining indulgences through the remiſſneſs or ignorance of particular perſons, contrary to the ancient cuſtom and diſcipline of the Church, ſuch abuſes or miſtakes cannot reaſonably

reaſonably be charged on the Church, or rendered matters of deriſion, in prejudice to her faith and diſcipline.

4. Catholics hold there is a purgatory, that is to ſay, a place or ſtate where ſouls departing this life, with remiſſion of their ſins as to the eternal guilt or pain, but yet obnoxious to ſome temporal puniſhment ſtill remaining due, or not perfectly freed from the blemiſh of ſome defects or deordinations, are purged before their admittance into heaven, where nothing that is defiled can enter.

5. Catholics alſo hold, that ſuch ſouls, ſo detained in purgatory, being the living members of Jeſus Chriſt, are relieved by the prayers and ſuffrages of their fellow-members here on earth: but where this place is, or of what nature or quality the pains are, how long ſouls may be there detained, in what manner the ſuffrages made in their behalf are applied, whether by way of ſatisfaction or interceſſion, &c. are queſtions ſuperfluous, and impertinent, as to faith.

6. No man, though juſt, can merit either an increaſe of ſanctity in this life, or eternal glory in the next, independently on the merits and paſſion of Jeſus Chriſt; but the good works of a juſt man proceeding from grace and charity, are ſo far acceptable to God, as to be, through his goodneſs and ſacred promiſes, truly meritorious of eternal life.

7. It is an article of the Catholic faith, that, in the moſt holy Sacrament of the Euchariſt, there is truly and really contained the body of Chriſt, which was delivered for us, and his blood which was ſhed for the remiſſion of ſins: the ſubſtance of bread and wine being, by the power of Chriſt, changed into the ſubſtance of his bleſſed body and blood, the ſpecies or appearances of bread and wine ſtill remaining.—But,

8. Chriſt is not preſent in this ſacrament according to his natural way of exiſtence, that is, with extenſion of parts, &c. but in a ſupernatural manner, one and the ſame in many places, his preſence therefore is real and ſubſtantial, but ſacramental, not expoſed to the external ſenſes, or obnoxious to corporal contingencies.

9. Neither is the body of Chriſt in this holy ſacrament ſeparated from his blood, or his blood from his body, or either of them diſunited from his ſoul and divinity, but all and whole living Jeſus is entirely contained under each ſpecies; ſo that whoſoever receives under one kind is truly partaker of the whole ſacrament, and no wiſe deprived either of the body or blood of Chriſt. True it is,

10. Our Saviour Jeſus Chriſt left unto us his body and blood under two diſtinct ſpecies or kinds: in doing of which, he inſtituted

ſtituted not only a ſacrament, but alſo a ſacrifice, a commemorative ſacrifice diſtinctly ſhewing his death and bloody paſſion until he come; for as the ſacrifice of the Croſs was performed by a diſtinct effuſion of blood, ſo is that ſacrifice commemorated in that of the altar, by a diſtinction of the ſymbols. Jeſus therefore is here given not only to us, but for us, and the Church is thereby enriched with a true, proper, and propitiatory ſacrifice uſually termed the Maſs.

11. *Catholics renounce all divine worſhip and adoration of images or pictures. God alone we worſhip and adore;* nevertheleſs we place pictures in Churches to reduce our wandering thoughts, and enliven our memories towards heavenly things. Further, we allow a certain honour to be ſhewn to the images of Chriſt and his ſaints, beyond what is due to every profane figure; not that we believe any divinity or virtue to reſide in them, for which they ought to be honoured, but becauſe the honour given to pictures is referred to the prototype or thing repreſented. In like manner,

12. There is a kind of honour and reſpect due to the Bible, to the Croſs, to the name of Jeſus, to Churches, to the Sacraments, &c. as things peculiarly appertaining to God, alſo to the glorious Saints in heaven, as the friends of God, and to Kings, Magiſtrates, and Superiors on earth; to whom honour is due, honour may be given, without any derogation to the majeſty of God, or that divine worſhip which is appropriate to him.—Moreover,

13. Catholics believe that the bleſſed Saints in heaven, repleniſhed with charity, pray for us their fellow-members here on earth; that they rejoice at our converſion; that, ſeeing God, they ſee and know him in all things ſuitable to their happy ſtate: but God may be inclined to hear their requeſts made in our behalf, and for their ſakes may grant us many favours; therefore we believe it is good and profitable to deſire their interceſſion; and that this manner of invocation is no more injurious to Chriſt our Mediator, than it is for one Chriſtian to beg the prayers of another in this world. Notwithſtanding which, Catholics are not taught ſo to rely on the prayers of others, as to neglect their own duty to God; in imploring his divine mercy and goodneſs; in mortifying the deeds of the fleſh; in deſpiſing the world; in loving and ſerving God and their neighbour; in following the footſteps of Chriſt our Lord, who is the way, the truth, and the life, to whom be honour and glory for ever and ever. *Amen.*

No. IV.

Copy of the Convention between the French Government and his Holineſs the Pope Pius VII.

Ratified the 23d Fructidor, Year 9, (10th September, 1801).

The Chief Conſul of the French Republic, and his Holineſs the Sovereign Pontiff, Pius the VII. have named as their reſpective plenipotentiaries,

The Chief Conſul, the Citizens Joſeph Bonaparte, Counſellor of State; Cretet, Counſellor of State, and Bernier, Doctor of Divinity, Curate of St. Laud d'Angers; furniſhed with full powers:

His Holineſs, his Eminence Monſeigneur Hercule Conſalvi, Cardinal of the Holy Roman Church, Deacon of St. Agathe *ad Suburram*, his Secretary of State; Joſeph Spina, Archbiſhop of Corinth, Domeſtic Prelate to his Holineſs, Attendant on the Pontifical Throne; and Father Caſelli, his Holineſs's Adviſor on points of Theology; in like manner furniſhed with full powers in due form:

Who, after exchanging their full powers, have concluded the following Convention:

Convention between the French Government and his Holineſs the Pope Pius VII.

The Government of the Republic acknowledges that the Catholic, Apoſtolical, and Roman Religion, is the religion of the great majority of French citizens.

His Holineſs, in like manner, acknowledges that this ſame religion has derived, and is likely to derive, the greateſt benefit and the greateſt ſplendour from the eſtabliſhment of the Catholic worſhip in France, and from its being openly profeſſed by the Conſuls of the Republic.

This mutual acknowledgment being made, in conſequence, as well for the good of religion, as for the maintenance of interior tranquillity, they have agreed as follows:

Article I. The Catholic, Apoſtolical, and Roman religion ſhall be freely exerciſed in France. *Its ſervice ſhall be publicly performed, conformably to the regulations of police which the government ſhall judge neceſſary for the public tranquillity.*

II. There ſhall be made by the Holy See, in concert with the government, a new diviſion of French dioceſes.

III. His Holineſs ſhall declare to the titular French Biſhops that he expects from them, with the firmeſt confidence, every ſacrifice for the ſake of peace and unity—even that of their ſees.

After this exhortation, if they ſhould refuſe the ſacrifice commanded for the good of the church, (a refuſal, nevertheleſs, which his Holineſs by no means expects), *the ſees of the new diviſion ſhall be governed by biſhops appointed as follows*:

IV. *Within three months after the publication of his Holineſs's bull, the Chief Conſul ſhall preſent to the archbiſhoprics and biſhoprics of the new diviſion. His Holineſs ſhall confer canonical inſtitution, according to the forms eſtabliſhed for France before the revolution* (avant le changement de government).

V. *The nomination to the biſhoprics which become vacant in future ſhall likewiſe belong to the Chief Conſul*, and canonical inſtitution ſhall be adminiſtered by the Holy See, conformably to the preceding article.

VI. The biſhops, before they enter upon their functions, ſhall take, before the Chief Conſul, the oath of fidelity which was in uſe before the revolution, expreſſed in the following words:

"I ſwear and promiſe to God, upon the Holy Evangeliſts, to preſerve obedience and fidelity to the government eſtabliſhed by the conſtitution of the French Republic. I likewiſe promiſe to carry on no correſpondence, to be preſent at no converſation, to form no connection, whether within the territories of the Republic or without, which may, in any degree, diſturb the public tranquillity: and if, in my dioceſe or elſewhere, I diſcover that any thing is going forward to the prejudice of the ſtate, I will immediately communicate to government all the information I poſſeſs."

VII. Eccleſiaſtics of the ſecond order ſhall take the ſame oath before the civil authorities appointed by the government.

VIII. The following formula of prayer ſhall be recited at the end of divine ſervice in all the Catholic churches of France.

Domine, ſalvam fac Rempublicam,
Domine, ſalvos fac Conſules.

IX. The biſhops ſhall make a new diviſion of the pariſhes in their dioceſes; which, however, ſhall not take effect till after it is ratified by government.

X. The biſhops ſhall have the appointment of the pariſh prieſts.

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Their choice ſhall not fall but on perſons approved by government.

XI. The biſhops may have a chapter in their cathedral, and a ſeminary for the dioceſe, without the government being obliged to endow them.

XII. All the metropolitan, cathedral, parochial, and other churches, which have not been alienated, neceſſary to public worſhip, ſhall be placed at the diſpoſal of the biſhops.

XIII. His Holineſs, for the ſake of peace and the happy re-eſtabliſhment of the Catholic religion, declares, that neither he nor his ſucceſſors will diſturb in any manner thoſe who have acquired the alienated property of the church; and that in conſequence, that property, and every part of it, ſhall belong for ever to them, their heirs and aſſigns.

XIV. The government ſhall grant a ſuitable ſalary to biſhops and pariſh prieſts, whoſe dioceſes and pariſhes are compriſed in the new diviſion.

XV. The government ſhall likewiſe take meaſures to enable French Catholics, who are ſo inclined, to diſpoſe of their property for the ſupport of religion.

XVI. His Holineſs recogniſes in the Chief Conſul of the French Republic the ſame rights and prerogatives in religious matters which the ancient government enjoyed.

XVII. It is agreed between the contracting parties, that in caſe any of the ſucceſſors of the preſent Chief Conſul ſhould not be a Roman Catholic, the rights and prerogatives mentioned in the foregoing articles, as well as the nomination to the biſhops' ſees, ſhall be regulated, with regard to him, by a new convention.

The ratification ſhall be exchanged at Paris in the ſpace of forty days.

Done at Paris, the 26th Meſſidor, year 9 of the French Republic.

(Signed) JOSEPH BONAPARTE.
HERCULES, Cardinalis Conſalvi.
JOSEPH, Archiep. Corinthi.
BERNIER.
F. CAROLUS CASELLI.

Note A.

"Some officers of the garriſon urged Lord Lucan and Lord Gallmoy, the commanders of the Iriſh army, to break off the treaty, alleging that they could now raiſe the ſiege, which would give ſuch ſpirits to the Catholics, and ſo depreſs the beſiegers, that they might yet recover Ireland; and the more ſo as they were certain of more aid from France. What was the reply of Lords Lucan and Gallmoy? They ſaid they conſidered themſelves pledged in honour to deliver up Limerick and Ireland to the Proteſtants; and they did ſo, depending on their faith and truth to preſerve inviolate the rights of the Catholics under the articles."——*Mr. Keogh's Speech at the Catholic Meeting, Oct.* 31, 1792.

Note B.

A Letter from Dr. BUTLER, *Titular Archbiſhop of Caſhel, to Lord* KENMARE.

Thurles, December 27, 1786.

My dear and honoured Lord,

I am not a little impatient to impart to your Lordſhip my thoughts on a late publication, entitled, "*The preſent ſtate of the Church of Ireland.*" It is written by Dr. Woodward, Biſhop of Cloyne; and, in the ſhort ſpace of twelve days, has already paſſed through four editions. Whoever has ſeen the Addreſs to the Nobility and Gentry of the Proteſtant Church, and reads this Second Pamphlet, cannot but look upon them as *both* deſigned to undo all that has been done in favour of Roman Catholics; as they tend to undermine the primary title the Roman Catholics had to the protection of government and the confidence of their fellow-ſubjects. The unjuſt and falſe ſtrictures his Lordſhip makes on the ſincerity of the oaths of the Roman

Roman Catholic Biſhops, concur to effect this in the minds of thoſe who can or will be impoſed on by what his Lordſhip ſo confidently aſſerts. For certainly, if the oaths of the Roman Catholic Prelates can no more be depended on, all claim to a legal exiſtence for us in the ſtate ceaſes. We are all deſigning and moſt dangerous enemies: like the viper in the fable, we only ſought the warmth of protection to gnaw the boſom which gave the reviving heat. His Lordſhip, to eſtabliſh and enforce what he advances with regard to our oaths, by ſome new argument which, from not having been uſed before, had never been blunted by the ſhield of truth, brings forth *a letter of a Monſignor Ghilini*, Nuncio at Bruſſels, *written in the year* 1768, from amidſt the duſt of oblivion, where it would otherwiſe have, as it deſerved, remained till doomſday; notwithſtanding the moſt ſtrangely miſapplied *encomiums beſtowed on it by Dr. Bourke*: encomiums, which I know, from the letters the ſaid *Nuncio* wrote to me, before I left the Continent, expreſſive of his own alarmed feelings, after cool reflection, on the impropriety and indiſcretion of ſaid letter, he would have willingly ſpared the Doctor. Nothing, to be ſure, but an *enthuſiaſtic* partiality for *ſcholaſtic opinions*, which Dr. Bourke, perhaps, had formerly, when profeſſor, defended, (as *ſome* Ultromantaniſts have done, to their reproach and the diſcredit of religion, with as much warmth of debate as if thoſe opinions had been acknowledged Articles of Faith, which they were ſupporting againſt unbelievers) can any way extenuate Dr. Bourke's imprudence, to call it by no harſher name, in publiſhing ſuch a letter. The Doctor ſhould have reflected, that the opinions alluded to by the Nuncio, however unnoticed they may be ſuffered to paſs in a country like Italy, where the Sovereign and all the ſubjects are of the Roman Catholic religion, they cannot be conſidered in the ſame light in this kingdom, whereof the King and principal ſubjects are proteſtants, and two thirds, at leaſt, of the inhabitants are of our communion. *Here* ſuch opinions, if maintained, could not but be prejudicial, by alarming the Sovereign, and becoming a conſtant ſource of jealouſy and diſſenſion betwixt fellow-ſubjects.—This, I recal to mind, was what I alleged to Cardinal Marefuſchi, who was, at the time the oath was propoſed, our Cardinal Protector, (that is, as your Lordſhip knows, the Cardinal entruſted by his Holineſs with the *ſuperintendance* of our eccleſiaſtical affairs in Ireland), as a *reaſon* why the Roman Catholic biſhops thought themſelves called upon to declare, in the public manner they did, that they found nothing in the teſt of allegiance, held out by the legiſlature to the Roman Catholics of Ireland, contrary to the principles of

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the Roman Catholic faith; and, *therefore, that the* opinions *disclaimed by that oath never made part of our creed. The Cardinal, in his anſwer, expreſſed the fulleſt approbation of my ſentiments; which approbation* of his Eminence was afterwards *confirmed by the Pope and the Congregation de Propaganda Fide,* approving alſo of the ſaid teſt of allegiance: of all which approbations I have *authentic vouchers* by me; the *very* letters written on the occaſion to and from the Sacred Congregation. I ſhewed *theſe* letters to Lord Pery, when he was Speaker of the Houſe of Commons, at Sir Robert Staples's, and I ſhewed him again, in Dublin, another letter which I received from the ſame Congregation, two years after, expreſſive of their Eminencies' thanks for my diligence in fulfilling what I owed to my ſtation and religion, ſince the time I came into the kingdom. Now, my dear Lord, I hope I may venture to ſay, without riſking the imputation of vanity or falſehood, that I was moſt particularly warm and active in promoting the taking of the Teſt Oath*, after I had publicly approved of it at the head of my Suffragans, in the year 1775; an æra which I always called to mind with new felt pleaſure; and conſequently, the approbation of my conduct, *during all that time,* was of itſelf, had I no other proofs of the Congregation's having approved the Teſt, tantamount to an approbation. Lord Pery, when I ſhewed him that letter of the Congregation acknowledged it was; ſo did his Grace the Primate, when I had the honour, on being introduced to him by your Lordſhip, to mention it to him.

But that nothing might be wanting, in our power, to conſign the letter of the Nuncio to eternal oblivion, and that no one of our people might be ever affected by it, We, (I mean the Roman Catholic Prelates of Munſter) in a meeting we held at Thurles, ſoon after the one near Cork, in 1775, paſſed our *decided cenſure* upon the Hibernia Dominicana and its Supplement: which cenſure we, indeed, at firſt, ſignified only to our clergy; not thinking it prudent to make known to the people a work of the ſtamp of the Hibernia Dominicana; which, from its being written in Latin, and bearing a title which was not likely to attract the attention of thoſe who underſtood that language, would, as I ſaid before, in all probability have remained for ever unknown to them. Our cenſure was well known at Rome, without being conſidered there, in the ſmalleſt degree, obnoxious to the Holy See. The original, ſubſcribed to by the biſhops, I providentially kept by me; not knowing but the time might come, when ſome one or other would, through ignorance or falſe zeal, profit of a diſcovery of the Nuncio's letter, and make uſe of it as a proper weapon to give what he might think the

* Reg. 13. 14. Geo. 3. c. 3.

the deadly blow to all our fond hopes of protection and confidence from government and our fellow-ſubjects. My apprehenſion of ſuch an event, your Lordſhip ſees, by Dr. Woodward's work, was not groundleſs. At the ſame time, had I not ſuch a formal and avowed condemnation to produce, the letters from the Sacred Congregation and the Roman Catholic Biſhops of the whole kingdom after the moſt mature deliberation, approving the Teſt, whereby they ſolemnly declared, in the face of the whole world, their diſbelief and abhorrence of the *opinions* alluded to by the Nuncio, was more than ſufficient to obviate the ill-grounded inſinuations his Lordſhip of Cloyne has held forth.

As a public and formal anſwer will, I hope, be given to his Lordſhip of Cloyne's Strictures, I'll leave to the writer thereof (that I may not ſpin out this letter to an unneceſſary length) to enlarge more fully on what I here only ſketch out. For a public anſwer muſt be given. The conſciouſneſs of our *inviolable attachment* to our oaths of allegiance; our lively ſenſe of what we owe to our ſacred characters; our *ſincere* wiſh to promote and preſerve that *long deſired* mutual confidence, which had happily begun to warm and link in ſocial union the minds or perſons of different perſuaſions, call on us to repel, in the moſt earneſt and public manner, any attempt to undermine what cannot but be moſt precious to us.

The author of the public reply to his Lordſhip's ſtrictures will not fail, I am confident, to paint in the moſt pathetic manner what our feelings muſt be, on ſeeing ourſelves traduced as we are to the public; and that by the very Biſhop to the neighbourhood of whoſe dioceſs I and my Suffragans, the Roman Catholic Prelates of Munſter, had ſpeedily repaired, to oppoſe, *as far as in us lay*, with our united efforts, in the morning of theſe troubles, the unwarrantable attempts made againſt eccleſiaſtical authority. His Lordſhip may be alſo more clearly informed by him of the nature of a Nuncio's commiſſion, with regard to the Roman Catholics of this kingdom: his Lordſhip will find it quite different from what he repreſents it; and that ſo far are a Nuncio's ſentiments from being looked upon as deciſions of the Church, that Roman Catholic Biſhops have diſſented, and may diſſent from the Roman Legate, without apprehenſion of guilt in all that does not affect the eſtabliſhed principles of faith and chriſtian morality. In the letter alluded to, your Lordſhip cannot but have obſerved, the Nuncio gives only *his own notions*; which, ſtrange as they appear, can be eaſily accounted for, in one, who being educated in the Pope's dominions, and being his public Ambaſſador, may, from *too*

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warm a deſire of aggrandizing the temporal power of his Sovereign, extend too far the prerogatives of his ſpiritual juriſdiction.

As to the oath taken by the Roman Catholic Biſhops at their conſecration, and printed in the Roman Pontifical, which Dr. Woodward brings forth as an *auxiliary* proof how little our oaths of allegiance are to be depended on, I ſhall juſt obſerve, that his Lordſhip has entirely miſconceived both the intention and words of the oath. A little reflection would have made his Lordſhip ſenſible, that ſaid oath is *by no means inconſiſtent* with the ſubject's allegiance to his *Prince;* that Sovereigns as jealous and tenacious of their rights as Sovereigns can be, permit ſaid oath to be taken by the Roman Catholic Biſhops in their dominions: which they evidently never would conſent to, but would, on the contrary, ſtrenuouſly oppoſe, if they could think it infringed in the leaſt on their rights, or paved the way to *papal encroachments*. It is well known *this very oath*, of which Dr. Woodward ſpeaks, is taken by all the Biſhops conſecrated in France, Germany, Spain, and in all the different kingdoms and republics on the continent —The Biſhops of the republic of Venice *all* take it. Fra. Paoli himſelf, in his warm Defence of the Rights of the Venetian Republic againſt the claims of the Court of Rome, (a work Dr. Woodward cannot be a ſtranger to), never points out to that jealous Senate the oaths taken by Roman Catholic Biſhops at their conſecration, as affording a ground to ſuſpect their fealty to the ſtate. This oath was even taken in Holland, under the eyes of the States themſelves, by the Pope's Vicar Apoſtolic for that country, who muſt generally be a Biſhop, and conſequently conform to the Rubrics of the Pontifical, which he does without becoming obnoxious to the Dutch. The King of Pruſſia apprehends no danger from it to his dominions, though he knows full well the Biſhops of Sileſia, of whoſe loyal ſentiments he is more particularly intereſted in being ſecure, take alſo ſaid oath at their conſecration. Nay, the King of Great Britain, our moſt gracious Sovereign, whom may the Almighty long preſerve, is no way alarmed at having a Roman Catholic Biſhop in Canada; being *fully* aſſured that a Roman Catholic Biſhop in Canada will be as earneſt to oppoſe all papal encroachments as his confreres in England were in oppoſing, (according even to his Lordſhip of Cloyne's acknowledgment, p. 48.) in the earlier days of the Britiſh empire, thoſe of the Sovereign Pontiffs. For every diſcerning perſon cannot but know, on the leaſt reflection, that none of us, to make uſe of the *very* words of the great *Boſſuet, Biſhop of Meaux*, ever engage ourſelves by this

this oath to any thing that is contrary to our conſcience, or the ſervice of our King and country: far from thinking we prejudice *any* of theſe, it is even expreſſed in the oath, that we take it without prejudice to our ſtate, *ſalvo meo ordine.* The ſubmiſſion which is ſworn to the Pope in ſpirituals, is of a different order from what we naturally owe our Prince in temporals, and without proteſting, we have always well underſtood, that one does not interfere with the other.—So far that learned and judicious Prelate.

Your Lordſhip will find theſe very words of Boſſuet, in the beginning of the firſt chapter of the 7th book of the Variations: —they clearly account for ſaid oath's being ſo univerſally taken by all the Roman Catholic Biſhops in both Catholic and Proteſtant ſtates. The SALVO MEO ORDINE removes all fear of the oath's injuring the allegiance due to other Princes. The oath itſelf, at the beginning, was only taken by the Biſhops of the Pope's eccleſiaſtical territories, who from being ſubjects of the Pope, as a temporal Sovereign, ſwear fealty to him both in ſpirituals and temporals, which is not the caſe with Biſhops, who do not belong to the Pope's dominions; and hence, when a deſire of conformity with the Biſhops that are immediately ſubject to the Pope, made it, by degrees, cuſtomary for the Roman Catholic Biſhops throughout the whole world to take the ſaid oath at their conſecration, they all took care to profeſs *plainly and publicly*, by the clauſe SALVO MEO ORDINE, that they did not bind themſelves down to any thing in ſaid oath, but in as far as it was compatible with the ſituation of every Biſhop under their reſpective Sovereigns, and the duty he eſſentially owes to them. The oath is almoſt of 800 years date; time, ſurely, ſufficient for every Sovereign to know the meaning of it.

The words of the oath, *Hereticos perſequar et impugnabo*, which his Lordſhip of Cloyne repreſents as *ſo alarming* to the Proteſtant intereſt, far from meaning what his Lordſhip ſeems to think, imply nothing more than the obligation every Biſhop takes upon himſelf, to be ever earneſt in oppoſing and refuting, by the ſpiritual weapons of the goſpel, all broachers of doctrines contrary to its principles.

Theſe, my dear Lord, are the thoughts which occurred to me on reading that part of Dr. Woodward's work, which attacks the conſcientious ſincerity of Roman Catholic Biſhops. Thoughts, which I was moſt anxious to communicate to a Nobleman of my own religion, whoſe zealous and ſucceſsful exertions in ſuppreſſing the diſturbances in the county of Kerry, have met with the deſerved applauſe of government and of the

Clergy of both communions. On that account, I look up to your Lordſhip as the beſt entitled to avail yourſelf, with every advantage, of the facts I have mentioned, in order to prevent or efface the very unfavourable impreſſions Dr. Woodward's ſtrictures on us may make, or have made, on the public, by miſrepreſenting the Nuncio's letter as a deciſion of our Church, and the oath Biſhops take at their conſecration, as incompatible with our allegiance.

I have the honour to be,

With the ſincereſt attachment and eſteem,

My Dear Lord,

Your Lordſhip's moſt obedient Servant,

And affectionate Kinſman,

JAMES BUTLER.

Note C.

Beſides the various inſtances which have been ſtated of the diſpoſition of the Proteſtants in various parts of Ireland to act with liberality towards the Catholics, the following have occurred within the laſt twelve months.—Reſolutions have been publiſhed by the Grand Juries of the counties of Kilkenny and Galway in favour of emancipation.—The Proteſtant inhabitants of Newry, at a public meeting convened by the Seneſchal, agreed to a declaration expreſſing their wiſh to have every thing conceded to them, provided they would conſent to permit the King to nominate their Biſhops.—The principal Nobility and Gentry of the counties of Tipperary, Meath, and Waterford, have publiſhed declarations of their ſentiments in favour of emancipation.—At general meetings of the Freeholders of the counties of Galway, Roſcommon, and Sligo, unanimous reſolutions have been agreed to, approving of that meaſure.—Thirty Orange Lodges in the North of Ireland publiſhed an expoſition of their principles laſt July, wherein they ſtated that the object of their inſtitution was to reſiſt republicaniſm, and not religious conſiderations.—They likewiſe declared their intention not again to celebrate the Battle of the Boyne.

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